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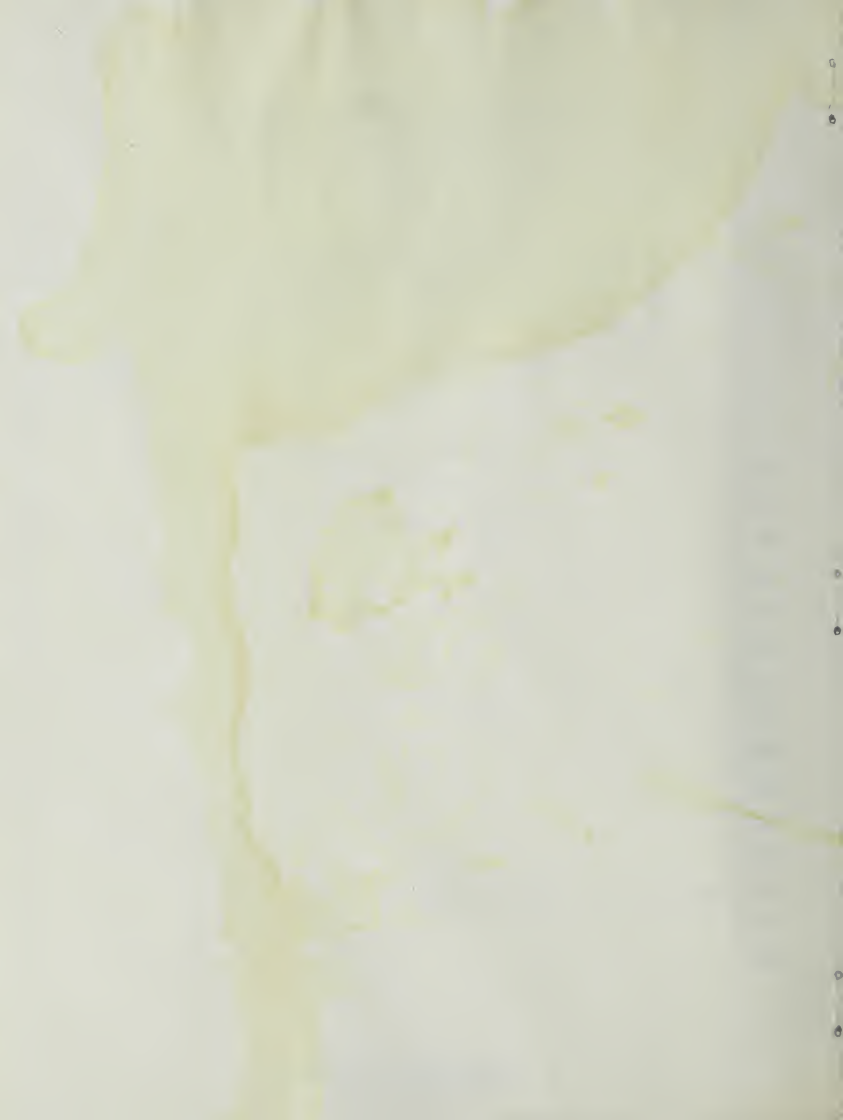
1 SELECT COMMITTEE ON VOTER FRAUD
2 BOARD OF SUPERVISORS

3 ---o0o---

4
5 Re: Hearing inquiring into irregularities)
6 and malconduct in recent municipal)
7 elections for the purpose of purifying)
the election process in the City and)
County.)

8
9
10 Reporter's Transcript
11 Proceedings Of
12 Thursday, June 24, 1976
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23 Reported by: JANIS G. ROLLER
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25

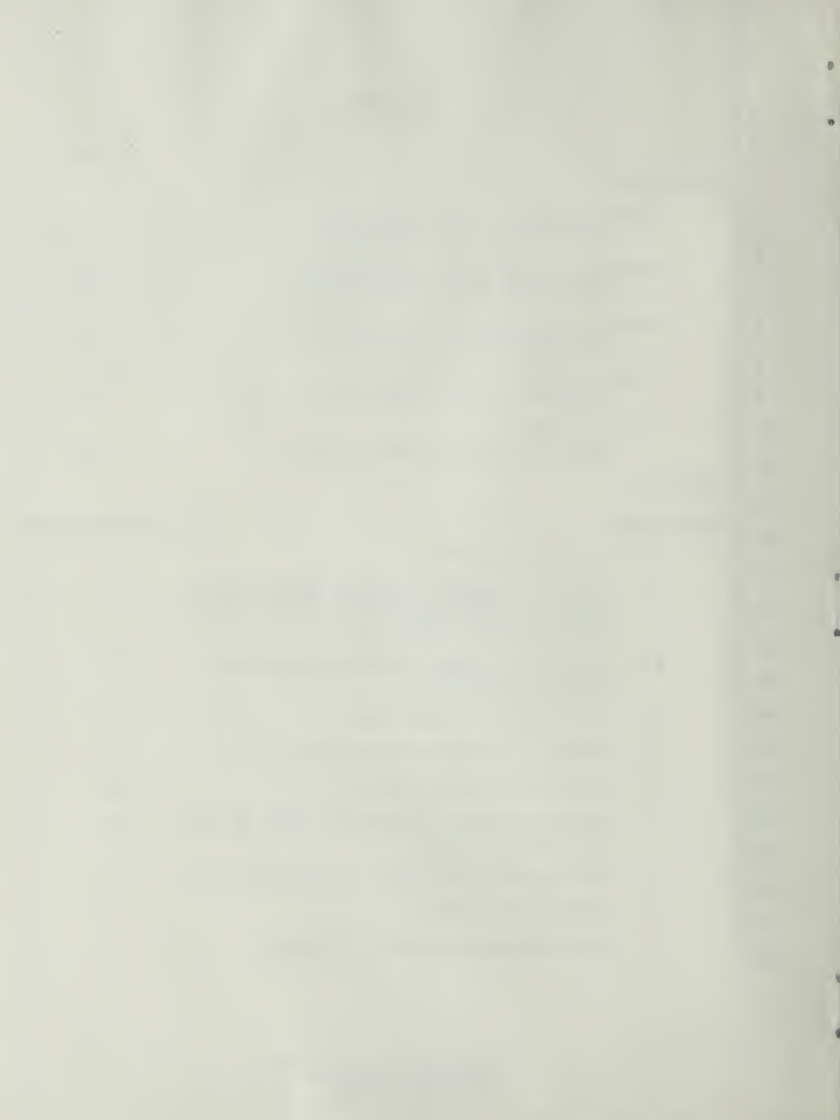


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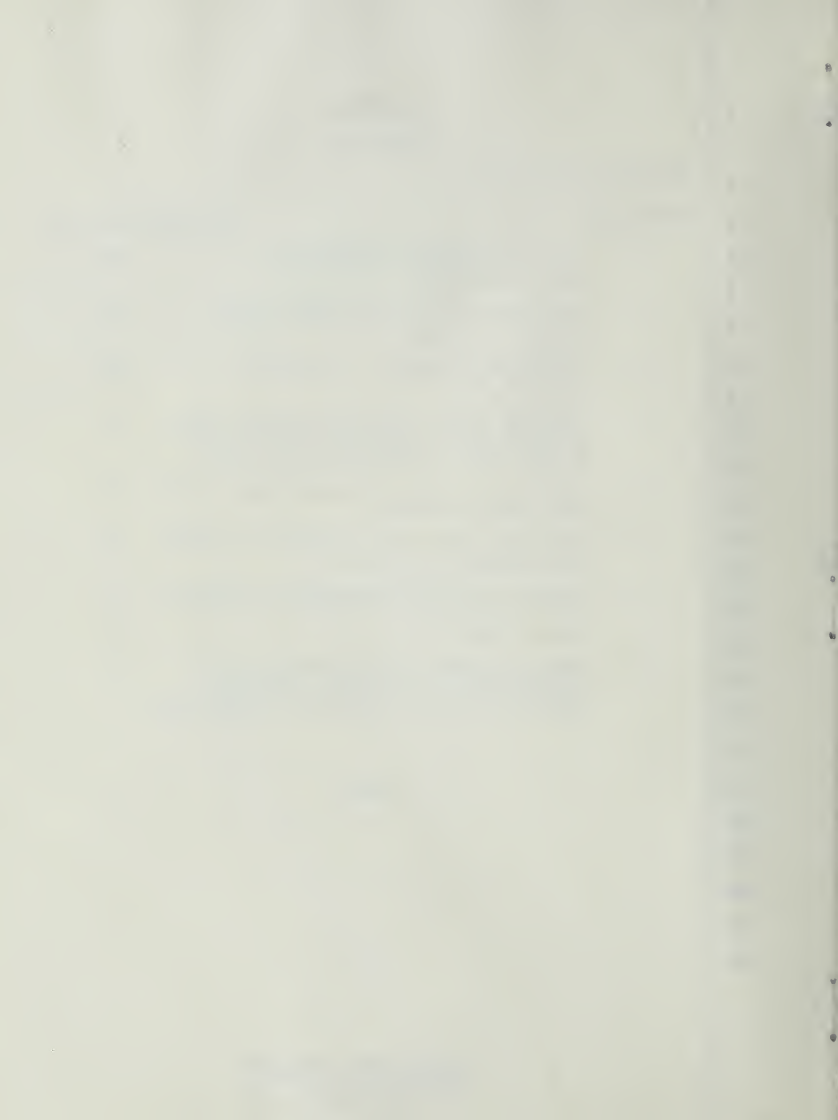
I N D E X

(continued)

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SELECT COMMITTEE ON VOTER FRAUD
BOARD OF SUPERVISORS
City Hall - Room 228
San Francisco, California

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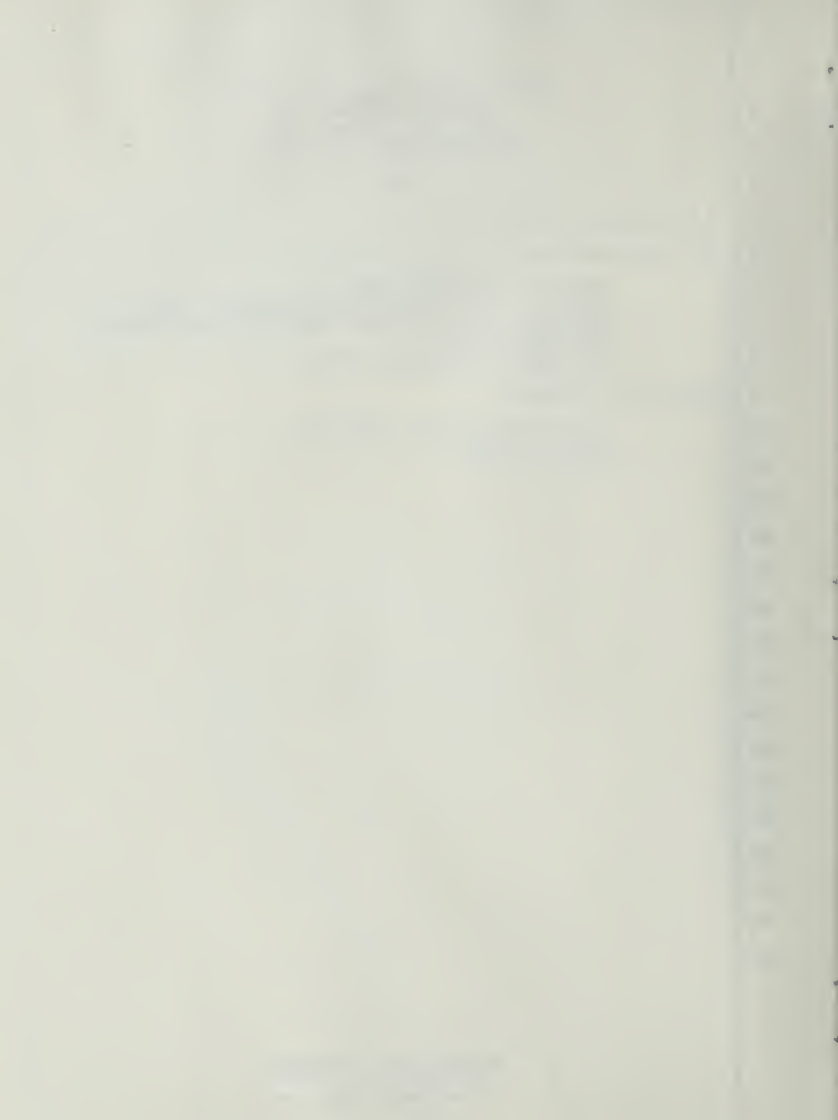
A P P E A R A N C E S

For the Committee:

PACIFIC LEGAL FOUNDATION
Raymond M. Momboisse, Deputy Director - Legal
David E. Todd, Assistant, Administrative Research
455 Capitol Mall
Sacramento, California 95814

Supervisors Present:

John T. Barbagelata, Chairman
Terry A. Francois
Alfred Nelder



1 THURSDAY, JUNE 24, 1976

10:00 O'CLOCK A.M.

2 P R O C E E D I N G S

3
4 CHAIRMAN BARBAGELATA: The Select Committee on Voter
5 Fraud is now in session.

6 Supervisor Al Nelder, on my left; and on my full right
7 is David Todd, who is the investigator for the Committee; and
8 next to him is Raymond Momboisse, who is the counsel for the
9 Committee.

10 I am John Barbagelata.

11 During 1975 funds were raised from private sources
12 to finance two widespread voter registration drives. The drives
13 were began sometime in June.

14 One was under the direction of Frontlash, the Labor
15 Council's Committee on Political Education (COPE) voter
16 registration organization.

17 The other was under the direction of what was known
18 as the Coalition to Register 100,000 Voters, which was made up
19 of many neighborhood, political action, and minority action
20 groups.

21 Each of the drives was headed by a paid professional
22 organizer. Gibbs Brown of Frontlash headed that drive and was
23 reportedly an employee of COPE and paid by them.

24 Mike Mason headed the Coalition's drive and was paid
25 by the San Francisco Voters' Registration Committee (SFVRC), of

1 which Agar Jaicks was Chairman.

2 Approximately 1,000 deputy registrars were used by
3 the two organizations to register voters, and the deputies were
4 paid 35 cents per registration from private funds.

5 Those affiliated with Frontlash reportedly were paid
6 by COPE, and those affiliated with the Coalition were paid by
7 SFVRC.

8 These deputies were recruited, trained and supervised
9 by SFVRC and Frontlash's representatives. Most had no contact
10 with, instruction from, nor direction by the Registrar's office.

11 Approximately 45,000 to 50,000 voters were registered
12 as a result of the drive.

13 A multitude of irregularities arose during the drive.
14 These are:

15 Many deputies acted without formal appointment, oath
16 of office, or adequate training, or at least the Registrar's
17 office had no record of many of them.

18 Many false affidavits of registration were filed and
19 fictitious names and non-existing addresses.

20 Hundreds of errors were made by deputy registrars who
21 failed to complete required data on the affidavits, such as
22 place of birth, citizenship data, or obtaining the signature of
23 the registrant. These affidavits were rejected by the Registrar
24 as not valid.

25 Over 100 books of affidavits of registration issued

1 to SFVRC and Frontlash were unaccounted for at the end of the
2 registration drive and are still outstanding.

3 The Registrar permitted persons to vote whose
4 Affidavits of Registration were not in the precinct registers,
5 provided such persons could exhibit evidence of their
6 registration in the form of the Affidavit of Registration
7 receipt stub.

8 These hearings are being held to answer the Select
9 Committee on Voter Fraud's questions concerning applicable laws
10 under which the registration drive was conducted and to clarify
11 certain aspects of the registration drive and to explore means
12 of avoiding, in the future, those undesirable aspects which
13 occurred in 1975.

14 In this regard, Lawrence LeGuennec, who was Registrar
15 1975; Hugh Maguire, acting Registrar during early 1976; Thomas
16 Mellon, the Chief Administrator Officer; Virgil Elliott, the
17 City's Financial Officer; Agar Jaicks, the Chairman of SFVRC;
18 and John J. Crowley, Secretary-Treasurer of COPE have been asked
19 to present their views on this matter.

20 The Select Committee will explore the background and
21 purposes of the registration drive, how the registration drive
22 was financed, whether existing law permits payment of private
23 funds to deputy registrars who are public officials, the
24 agreements reached between City officials and registration
25 drive leaders with regard to training and deputizing, swearing

1 in, and supervising the 1,000 deputy registrars who were used
2 and whether or not all parties complied with such agreements.

3 It will also look into causes of the false registrations,
4 and the good number of errors and ask for suggestions for
5 corrective action.

6 Now, for the record, Miss Clerk, will Mr. Jaicks be
7 here?

8 THE CLERK: Mr. Jaicks will be here.

9 CHAIRMAN BARBAGELATA: Mr. Jaicks will be here.

10 Mr. Mellon is here. Mr. Elliott and Mr. Maguire are
11 here.

12 Mr. Crowley said he couldn't make it today, but he
13 will be happy to cooperate with the Committee. We received
14 correspondence from him.

15 That is all I have to say.

16 Now, Mr. Momboisse, would you like to -- may we call
17 Mr. Hugh Maguire.

18 HUGH MAGUIRE,

19 first having been duly sworn to testify to the truth,
20 the whole truth and nothing but the truth, testified
21 as follows:

22 EXAMINATION BY MR. MOMBOISSE

23 MR. MOMBOISSE: Q. May we have your name, for the
24 record?

25 A. Hugh Maguire.

1 Q. Are you employed by the City and County of San
2 Francisco?

3 A. I am.

4 Q. In what capacity?

5 A. Election Supervisor.

6 Q. At one time were you Acting Director of Voters in
7 San Francisco?

8 A. I was.

9 Q. What period of time?

10 A. One month, dating back about 90 days, I think.

11 Q. Could you tell me what division there is in the
12 Registrar's office with regard to departments?

13 A. Primarily, the department is divided into three
14 sections. One section constitutes a warehouse where we store
15 voting machines, and that is under a gentleman by the name of
16 James Grady. We have what we call a "front office", which is
17 under the direct control of the Registrar and Assistant
18 Registrar. They are concerned with the recruitment of personnel
19 for election day at the polling places. They are concerned with
20 the filing of the candidates, campaign expenses. They are
21 concerned with the printing of the ballots, proofreading and
22 correction of them. They are concerned with the payroll
23 personnel.

24 The third section is what we call the "affidavit".
25 I am in charge of the affidavit section. This comprises the

1 affidavits on file, which is the official document for the
2 registered voters. I am in charge of the absentee voting program.
3 I am in charge of delivery of the supplies to the precincts on
4 election day. Under my supervision we check all the petitions
5 that are filed in connection with the proposed legislation. We
6 check all petitions filed by candidates in lieu of a filing
7 fee, and we conduct the day-to-day work of the Registrar's office
8 registrations, affidavits and the rest, functions of that sort.

9 Q. How many permanent employees are in the Registrar's
10 office?

11 A. At this time we have 15 permanent employees.

12 Q. How many of those are assigned to your section?

13 A. Approximately six.

14 Q. Do you have temporary employees employed by the
15 Registrar's office?

16 A. Yes, on June 8th we had 66 temporary employees. At
17 this time we have 35 temporary employees.

18 Q. Are these temporary employees usually brought in
19 around a period of elections?

20 A. Generally speaking, 60 to 90 days before the election
21 we start to recruit people on a gradual basis until, as I say,
22 election day when we will have a force of approximately 65
23 temporary employees.

24 Q. Certain records are maintained by the Registrar's
25 office, are they not?

1 A. That's true.

2 Q. I would like to go into those pertaining to deputy
3 registrars, if I may. I will hand you an index card, which I
4 will mark Exhibit No. 1, for the purposes of identifying it.

5 (Whereupon, the above-mentioned
6 3 x 5 index card was marked for
7 identification as Exhibit No. 1.)

8 MR. MOMBOISSE: Q. Can you tell us what that is?

9 A. This is the type of card that we used to record the
10 name and the address of people who have been deputized to work
11 as a volunteer deputy registrar.

12 Q. Are these filed in your office?

13 A. They are.

14 Q. How are they filed?

15 A. They are filed alphabetically.

16 Q. When are these cards filled out?

17 A. They are filled out at the time the person appears
18 for their instructions as a deputy registrar.

19 Q. I will show you another document, which we will mark
20 as Exhibit No. 2, and I will ask you if you can identify it.

21 (Whereupon, the above-mentioned
22 one-page document, entitled
23 Application - Volunteer Deputy
24 Registrar for Registration of Voters
25 Only, was marked for identification
as Exhibit No. 2.)

26 A. Yes, I recognize the form.

27 Q. Would you tell us what it is, please.

1 A. It is an application for volunteer deputy registrar
2 for registration of voters only. It is a form that is filled
3 out at the same time this card is made up, approximately the
4 same time, and is made up at the time they appear for their
5 instructions as a deputy.

6 Q. Is it filed in your office?

7 A. It is.

8 Q. How is it filed?

9 A. These are also filed alphabetically.

10 Q. I show you another document, which has been marked
11 No. 3, and I ask you if you can identify it, please.

12 (Whereupon, the above-mentioned
13 one-page document, entitled
14 "Appointment and Oath of Office",
was marked for identification as
Exhibit No. 3.)

15 A. I recognize this as the form we used for the
16 appointment of deputy registrars.

17 Q. Could you tell us when these are prepared?

18 A. These are completed at the time the person has taken
19 their instructions and demonstrated to our satisfaction that
20 they can fill out an application and in an acceptable manner.

21 Q. By whom are these prepared?

22 A. These are prepared, generally, by Mr. Renstrom, who
23 does most, if not all, of the instruction, and they are signed
24 by the parties who are going to act as a deputy.

25 Q. Is there a record of these kept in your office?

1 A. There is.

2 Q. How are they kept?

3 A. These, again, are filed alphabetically.

4 Q. Are these completed after the oath of office is taken
5 by the deputy registrar?

6 A. They are completed then.

7 Q. I will show you another document, which we will mark
8 No. 4, and can you identify that, please?

9 (Whereupon, the above-mentioned
10 Instructions to Deputies were
11 marked for identification as
Exhibit No. 4.)

12 A. Yes, this is a part of what we would call a kit which
13 we give to each person who is instructed in my office.

14 Q. What does that document contain?

15 A. Well, it contains instructions, generally speaking,
16 the period of registration and some of the pertinent information
17 that we must obtain from the people, the fact they are a
18 citizen, or if they are foreign-born when and where did they
19 receive their citizenship. It speaks about address changes,
20 how they should be reported on the affidavit.

21 It dwells on the importance of being precise in the
22 writing of the affidavit. All this information must be trans-
23 posed to a computer, and as I think you gentlemen know, it is
24 a highly sophisticated type of reporting, and if everything
25 isn't exactly right, it is rejected by the computer, which means

1 a lot of extra work for us.

2 Q. This document contains the basic instructions for the
3 deputy registrar in completing the affidavit of the voter
4 registration?

5 A. That's true.

6 Q. I show you another document, which has been marked
7 No. 5, and ask you if you can identify it, please?

8 (Whereupon, the above-mentioned
9 Affidavit of Registration Book
10 was marked for identification
11 as Exhibit No. 5.)

12 A. This is the folder that under normal conditions would
13 contain 25 blank copies of an Affidavit of Registration.

14 Q. I note on the front of that there appears to be some
15 typewritten or printed instructions; is that correct?

16 A. That's true.

17 Q. I will show you another two documents, marked No. 6
18 and designated Affidavit of Registration.

19 Can you identify those, please?

20 (Whereupon, the above-mentioned
21 Affidavit of Registration was
22 marked for identification as
23 Exhibit No. 6.)

24 A. This is the original and one copy of an Affidavit of
25 Registration.

Q. Would these be filed in the book which you refer
to as Exhibit No. 5?

1 A. They would.

2 Q. How many of those affidavits are in each book?

3 A. Twenty-five.

4 Q. Could you tell us the process of handling these
5 Affidavits of Registration?

6 A. You mean after they are received back in our office?

7 Q. Yes, after they have been received back in your
8 office.

9 A. Well, it is a rather involved process. When the
10 affidavit comes in to our office, we review it carefully to see
11 that all the pertinent information is on the affidavit, for
12 example, after typing this information we send down to the
13 computer. We have to spell out whether it is a street or
14 avenue. We have to make certain that the place of birth is
15 indicated. If they happen to be foreign-born, we have to make
16 sure it shows when and where they received their citizenship.
17 We check it to make certain they do show a party affiliation.

18 As I mentioned a little bit earlier, when we get a
19 large volume of these affidavits in, we naturally have to
20 apply to several services for six or eight typists, and because
21 a typist will type exactly what is in front of them, if it
22 says "street", she will spell it out, s-t-r-e-e-t, and it will
23 be rejected. It is programmed to see "St."

24 We have to review every affidavit and make certain
25 it is completely accurate in every aspect.

1 Q. I notice there is an original and one. Will you tell
2 us, are they filed in your office?

3 A. Yes, they are both filed in our office.

4 First of all, when they arrive in our office, we
5 divide them into two groups: Those that represent new registered
6 voters and those that we call changes that indicate from the
7 top here they are either a change of address, a change of name,
8 a change of party. Those that represent a change has to
9 precinct.

10 In other words, they have to have a precinct number
11 placed thereon. If it involves a change, it has to show two
12 precinct numbers. It has to show the precinct of previous
13 address, and on the right-hand side we have to show the precinct
14 number for the new address. We have to pull the old affidavit
15 and then reassemble all the affidavits, and I'm talking in terms
16 of 25,000 or 30,000 at a time. And then we have to start to
17 file them according to the new precinct.

18 The original copy of the affidavit is filed in the
19 respective affidavit books. The yellow copy is filed in a vault,
20 and that is filed alphabetically.

21 Q. Now, I show you another document that I believe now
22 is 7. It is entitled "Affidavit of Registration Information
23 Request." Could you identify that, please.

24 (Whereupon, the above-mentioned
25 document, entitled "Affidavit
Registration Information Request",
was marked for identification as
Exhibit No. 7.)

1 A. Yes, this is a form letter that we drew up a couple
2 of years ago, that we sent out to people that we found that
3 their affidavit for one reason or another was not complete, and
4 it covers, we think, every situation: missing signature, name
5 discrepancy, address problems, place of birth missing, naturali-
6 zation missing, occupation missing, or some other problem that
7 we might have.

8 Q. These are sent out whenever your check of the affi-
9 davit indicates any errors that you referred to?

10 A. That's true.

11 Q. Now, there is the original and how many copies?

12 A. There is an original and one copy.

13 Q. What is the distribution of those?

14 A. In what respect?

15 Q. Is the original sent?

16 A. The original is mailed to the party concerned, and the
17 copy is retained in our office.

18 Q. Then is the original to be returned to you with the
19 corrections made by the voter?

20 A. In many cases it is, and in many cases it is not
21 returned.

22 (Supervisor Francois joined the Committee.)

23 Q. What correspondence after this is sent out and before
24 it is returned?

25 A. Well --

1 CHAIRMAN BARBAGELATA: Excuse me, Mr. Maguire.
2 Supervisor Francois has joined the Committee.

3 MR. MOMBOISSE: Q. Let me ask you a question this
4 way --

5 A. On the recent elections we sent out 311,000 sample
6 ballots. 48,000 of those were returned undelivered, and I
7 think that demonstrates the transient nature of a large part of
8 our population in San Francisco; a large group that moved two,
9 and three, and four, and five and six times a year, and so
10 that in the recent election we found that people who registered
11 in April and May and had their sample ballots sent out at the
12 very last moment, many of these have been returned undelivered.

13 Q. If you do not receive the request for a correction
14 from a voter, what action is taken by you?

15 A. We file these in a drawer alphabetically.

16 Q. Is that voter then -- is his affidavit in the precinct
17 book?

18 A. No, it is not.

19 Q. He would not be eligible to vote?

20 A. That is correct.

21 Q. I show you another small card, marked No. 8, and
22 see if you can identify it, please.

23 (Whereupon, the above-mentioned
24 card entitled "Affidavit of
25 Cancellation" was marked for
identification as Exhibit No. 8.)

1 A. This is an affidavit cancellation card. Deputies
2 are instructed to ask as the initial question to everybody about
3 to be registered: "Are you now registered?"

4 If they say, "Yes," and they are still within the
5 County, we ask the former address.

6 If they tell us they are registered in one of the
7 adjacent counties, or any county in California, we fill out
8 the form and have them sign it. It is a cancellation of
9 registration in another county, and we forward it to the county
10 involved.

11 Q. Is such a document necessary for a change of
12 registration in San Francisco County?

13 A. No, it is only necessary when it involves another
14 county.

15 Q. The information that is in the top of the voter
16 affidavit would be considered sufficient to change a precinct?

17 A. Within San Francisco, yes, it would.

18 Q. I show you another document, marked No. 9, and I
19 ask you if you can identify it.

20 (Whereupon, the above-mentioned
21 Foreign Born Card was marked for
identification as Exhibit No. 9.)

22 A. Yes, it is a card that is filled out when we register
23 a person of foreign birth, and it shows a naturalization number
24 and then it describes the residence, date of birth, when and
25 where naturalized, and date of registration.

1 Q. Now, these documents that you have referred to, the
2 registration, the change of address and the naturalization card
3 are all given to deputy registrars?

4 A. That's true.

5 Q. They are instructed to fill out those that are
6 permanent?

7 A. That's true.

8 Q. I show you another document, which is marked No. 10,
9 and ask you if you can identify it, please.

10 (Whereupon, the above-mentioned
11 form for Registration Books Issued
12 was marked for identification as
Exhibit No. 10.)

13 A. Yes, this is a document used to keep a record of
14 registration books issued to individuals or organizations.

15 Q. What information is contained in that?

16 A. It shows the name of the organization to which the
17 book or books were issued. It shows the number of books
18 involved, and there is a space here to show the date on which
19 the book was returned to us, and then there is a portion at the
20 bottom for the party to sign for the receipt of the book.

21 Q. How are these filed?

22 A. These are filed, generally speaking, according to
23 dates.

24 Q. Do you have a central file?

25 A. Yes, Mr. Renstrom, who is charged with the duty of

1 keeping these records, has a folder in which he keeps all of
2 these records.

3 Q. Now, you made reference to sample ballots, which had
4 been sent out and 48,000 were returned in the last election.

5 A. That's true.

6 Q. At this point --

7 A. That's true.

8 Q. -- still a few more are coming in?

9 A. We received a few hundred yesterday.

10 Q. These are being processed?

11 A. They are.

12 Q. I will show you a card now. I think we are up to
13 No. 11.

14 A. This is No. 10, yes.

15 Q. No. 11, and I will ask you to identify it, please.

16 (Whereupon, the above-mentioned
17 Notice of Change of Address by
18 Registered Voter was marked for
identification as Exhibit No. 11.)

19 A. This can best be described as a change of address
20 form.

21 Q. And how is that being used by the deputy registrar's
22 office?

23 A. At this time we are sending a letter explaining to the
24 voter that their sample ballot was returned and asking them to
25 fill out this card, if in fact, they have had a change of address.

1 Q. I show you another document, which has been marked
2 No. 12, and ask you if you can identify it, please.

3 (Whereupon, the above-mentioned one-
4 page letter to Dear Voter from
5 Thomas P. Kearney was marked for
6 identification as Exhibit No. 12.)

7 A. Yes, this is the letter that was recently composed
8 by Mr. Kearney, and is currently being sent out to all of these
9 people, together with a change of address card.

10 Q. At this point then the Registrar's office is attempting
11 to determine how many of those 48,000 are actually in San
12 Francisco, registered in San Francisco?

13 A. Yes, we have mailed this out by first class mail,
14 and I might say that when the sample ballots are sent out, they
15 are sent out as bulk mail, and they are not forwarded, only
16 except to the address. And if they are not, under normal
17 circumstances, they would be disposed of and destroyed.

18 This year we did guarantee return postage, and as
19 a consequence we got them back.

20 In this case, they were sent out in the first place
21 and forwarded to the people; they had, in fact, recorded a
22 change of address with the Post Office, and we are at this time
23 getting these cards back, in many cases from surrounding
24 communities, Sausalito, Concord, San Mateo County.

25 We have sent out so far at the last time, 26,000,
and we still are in the process of sending these out.

1 Q. I believe you made a spot check to determine how many
2 of the sample ballots that were returned actually voted in the
3 last election.

4 A. That is true. I made a sample check of four or five
5 precincts, and I found that there was an average of between
6 10 and 11 percent of the people who did not receive the ballots,
7 but who did, nevertheless, vote.

8 Q. Now, I would like to go from the records into the
9 procedures of your office with regard to the first deputy
10 registrars, if I could.

11 I understand there was some kind of change in June
12 of 1975. So I would like to first direct my inquiry to the
13 period of time prior to that change and ask you how deputy
14 registrars were selected.

15 A. Well, a person approached our office and wanted to
16 become a deputy registrar, and we generally speaking, if it
17 was an individual we would ask them if they were associated
18 with a group or political party. We try to discourage issuing
19 a book to an individual. We found if we follow that procedure,
20 we lost control of the books.

21 If you had 1,000 individual deputies, we didn't have
22 the staff to pursue that program. We try to encourage people
23 with a group. We didn't care what group it was. Our theory
24 was that we wanted to hold one person or organization responsible
25 for the book and try to keep control in that fashion.

1 Q. I believe you made a spot check to determine how many
2 of the sample ballots that were returned actually voted in the
3 last election.

4 A. That is true. I made a sample check of four or five
5 precincts, and I found that there was an average of between
6 10 and 11 percent of the people who did not receive the ballots,
7 but who did, nevertheless, vote.

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9 procedures of your office with regard to the first deputy
10 registrars, if I could.

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20 we lost control of the books.

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22 the staff to pursue that program. We try to encourage people
23 with a group. We didn't care what group it was. Our theory
24 was that we wanted to hold one person or organization responsible
25 for the book and try to keep control in that fashion.

1 Q. What qualifications were required of a deputy
2 registrar?

3 A. The only qualification that we requested was that
4 they themselves were already registered voters.

5 Q. In San Francisco?

6 A. In San Francisco.

7 Q. Were there any ordinances relating to the qualifica-
8 tions of deputy registrars?

9 A. There is no reference to my knowledge.

10 It is covered by the Election Code, and there seemed
11 to be some question there, too.

12 As I understand the law, and the Government Code,
13 I think it states that any deputy must possess the qualifi-
14 cations of his principal, or in this case, the Registrar of
15 Voters, and I think our City Charter says that the Registrar of
16 Voters must be a registered voter.

17 Then it would follow that the deputy must be a
18 registered voter, but the Election Code has a provision in it
19 that a person, to be a registrar, must be an elector, a person
20 who has the qualifications to register, even though he hasn't
21 registered.

22 Q. Has any request for a legal opinion been sent to the
23 City Attorney by your office to clarify this current confusion?

24 A. Not to my knowledge.

25 Q. In this pre-June period you --

1 If a person came to you, you refer them to some other
2 agency, you prefer to go that route in selecting?

3 A. That is true.

4 Q. Then the individual would come back to you himself,
5 or would the organization come back?

6 A. Well, there would be two routes if they called us back
7 and said they were going to come with a certain group. If we
8 had a class scheduled, we would tell them to come on a certain
9 night.

10 In any event, we didn't turn down anyone. We didn't
11 have the right, under the law, as it now stands to turn down
12 anybody who is qualified.

13 If they wanted to be a deputy registrar, we had no
14 alternative.

15 Q. At this point we are talking about volunteers.

16 Did you also have a class of paid deputy registrars?

17 A. Yes, traditionally we had about 30 locations throughout
18 the City where we sent temporary employees for a period of
19 two weeks prior to, just prior to, the close of registration.

20 These people, for the most part, were assigned to
21 department stores, supermarkets, some banks. We try to cover
22 the entire area of the County from the financial district to
23 Bayview, out to, for instance, some of the Safeway stores out
24 toward the beach.

25 Q. How were the individuals compensated?

1 A. They were paid as clerks, as regular clerks.

2 Q. Is that on a weekly, monthly basis?

3 A. It would be on a weekly or monthly basis. It was a
4 monthly basis, actually, and these people after the registration
5 drive, would come back to our office and take up other duties
6 in preparation for an election.

7 Q. Were such individuals trained before they went into
8 the field?

9 A. Yes.

10 There are a number of employees who have been working
11 in the Registrar's office eight, nine, ten years, that know the
12 job very well, and they come back each year, and they don't
13 need any training.

14 If we get a few new people in, what we generally do
15 is let them work at a counter for an hour or two and then go
16 out on their own.

17 There is nothing difficult about filling out an
18 affidavit, and after a day or two we will send them out in the
19 field and replace a more experienced person and bring them back
20 in the office.

21 Q. Were they given formal training?

22 A. To that extent it was by observation. We try to
23 emphasize if there are any changes of the law that they should
24 be aware of.

25 For the last couple of years there have been a number

1 of court decisions with regard to people convicted of a felony,
2 and we want to emphasize the fact that the law has changed, and
3 the only people who now we can refuse to register are people
4 on parole under the jurisdiction of the court.

5 Q. Did you give them training in completing the voter's
6 affidavit?

7 A. Yes, as I say, we do emphasize that it has to be
8 printed. It has to be legible. We emphasize the fact that
9 spelling must be correct. We do try to have it done properly.

10 Q. Was there training given before they took the oath
11 of office as deputy registrars?

12 A. As I say, we would have each person go through the
13 routine. If we do have a class, we had the people in the class
14 register one of the other members. We would review the printing,
15 and after we are satisfied it was acceptable, then we would
16 swear them in as a deputy.

17 Q. They were sworn in at the end of the training class?

18 A. That's true.

19 Q. Was there any supervision of the deputy registrar,
20 by the Registrar's office when actually performing duties of
21 deputies?

22 A. No, you are speaking of volunteers?

23 Q. We are talking about the regular deputy registrars.

24 A. The people we sent out on a salaried basis?

25 Q. Yes.

1 A. Yes, at one time we had them report in to the office
2 every morning, bringing their books, and then we sent them out.

3 In my opinion, we were wasting an hour or so, because
4 they would come in.

5 For the last three years, we have sent them directly
6 to the place where they were assigned, and I had one man who
7 made the rounds and picked up their books.

8 This not only saved us an hour and a half, but it
9 provided a check. We didn't tell them what time we would be
10 out there, and we didn't use the same route each day, and we
11 did then have a check on them each and every day.

12 Q. During the same pre-June 1975 period, you had deputy
13 registrars in the City and County?

14 A. True.

15 Q. Were they compensated?

16 A. They were not.

17 Q. Do you know whether they were compensated by an
18 organization?

19 A. Anything I say would be hearsay.

20 There is no doubt in my mind they were, in fact, paid.

21 Q. Now, if we could go to the post-June, 1975 period,
22 a preliminary question:

23 Was there a change in June of 1975 in the method of
24 selecting deputy registrars?

25 A. Yes, there was a change in the procedure.

1 Q. Would you tell us how that change came about?

2 A. Well, to go back a bit, at that time there was some
3 Federal money appropriated and set aside, \$25,000 the Mayor said
4 could be used for registration work.

5 The Government objected and said it wasn't a proper
6 expenditure, so it was changed and said we wouldn't be able to
7 pay people for registrations.

8 I don't know whether it was before or after that time
9 that the Coalition to Register 100,000 people came into being,
10 but it at that period. They had an extensive organization, and
11 they wanted to go through the City.

12 We have a very small staff, and couldn't accommodate
13 them, having classes of 75 people a night.

14 First of all, we don't have the room, and secondly,
15 we don't have the staff to instruct them.

16 Somewhere along the line a group appeared before the
17 Chief Administrative Officer, and I don't know too much about
18 it, frankly, except what I read in the newspapers, and after
19 that I was advised by Mr. Quinn that we were going to allow
20 people in these groups, like Mike Mason's group, people who were
21 experienced and doing the work for several years, they were
22 going to be allowed to instruct people as deputies.

23 Q. Who gave you such instructions?

24 A. My discussions were with Mr. Quinn's office at that
25 time. Mr. LeGuennec was appointed the Registrar at that time,

1 but Mr. Quinn was it.

2 Q. From that point on did you train any deputy registrars
3 in your office?

4 A. No, it came to a halt. It came to a halt at that time.

5 Q. Did you personally authorize anyone who was not employed
6 in the deputy registrar's office to select and swear in deputy
7 registrars?

8 A. I did not.

9 Q. Was there any written authorization for such action?

10 A. I never saw any written instructions.

11 Q. Was change ever documented by any writing?

12 A. Not to my knowledge.

13 Q. There were no orders received from anyone in writing
14 with regard to the change?

15 A. I never received any.

16 Q. From that point on were, to your knowledge, there
17 deputy registrars appointed by individuals who were not employed
18 in the Registrars office?

19 A. A large volume of registrations were coming in. Our
20 attention was pinpointed to some deputies who were doing a poor
21 job.

22 In one case it came to my attention that it was
23 obvious that all the registrations were written by the same
24 person, and in another case another deputy in every case
25 neglected to ask for occupation and place of birth.

1 A little bit later we found other deputies that were
2 given addresses that were not accurate. There were several
3 cases of that nature.

4 Q. Now, did you have any supervisory power over the
5 special deputy registrars that were being appointed?

6 A. No, I didn't.

7 Q. Did you know where they were operating?

8 A. No, I did not.

9 Q. Did you not assign a location to them?

10 A. We have no jurisdiction.

11 If they are being paid 35 cents for each register,
12 they are going to find an area where there is a lot of street
13 traffic.

14 I know one young man who had a table out in front of
15 Macy's, and we had trouble with him, because his writing was
16 very poor. As a matter of fact, we finally prevailed upon them
17 to discharge the man, but he showed up a month later working
18 for another organization.

19 Q. Who were the major voter registration groups?

20 A. There were two groups.

21 One was the Coalition to Register 100,000, under the
22 supervision of Mike Mason, and the other group was COPE, run
23 by Gibbs Brown.

24 Q. You said there was a third?

25 A. Those were the two major groups.

1 The League of Women Voters was a group, and there
2 were approximately twelve different groups.

3 Q. What was your contact with the Coalition to Register
4 100,000?

5 A. My contact there was with Mike Mason, and I would say
6 that Mike Mason did a good job.

7 Q. Your contact with Frontlash?

8 A. Well, Frontlash was represented by Gibbs Brown, and
9 that was a different story. We had difficulty in contacting him.
10 We had difficulty in getting him to return books, and as a matter
11 of fact, we finally approached the people in the hierarchy of
12 the unions and prevailed upon them to get the books back.

13 We worked within a very limited timeframe. It was
14 almost a physical impossibility to record these affidavits and
15 get them down to the computers so that we, in turn, could get
16 the insert which goes with a mailing tag for the sample ballots.
17 The timeframe is almost impossible to work with.

18 Q. Apparently, you had problems with a number of errors
19 in affidavits being submitted by volunteer groups.

20 A. We literally had to examine every affidavit that came
21 into the office, and I am being conservative if say about 20
22 percent of them had to be corrected. If the street is spelled
23 incorrectly, or if they call it a street and they mean avenue --
24 Geary Avenue up to the 1200 block is Geary Boulevard, and if
25 you are acquainted with things of this type it comes back to
26 us, and it means a search for an affidavit among 25,000 or

1 30,000. It is time-consuming, and we don't have the time.

2 Q. And expensive?

3 A. That's true.

4 Q. Were these details called to the attention of anyone?

5 A. No, these are our problems. The only way they can
6 help us is cooperate with us and get the books in as soon as
7 possible, give us as much time as they can, because time is of
8 the essence.

9 Q. Were they ever asked to have better supervision of
10 their people?

11 A. We complained. If we found people who sent in
12 affidavits that were almost impossible to read, yes, we would
13 ask them to talk to the people. And on a couple of occasions
14 we had to tell them we were not going to take any more affidavits
15 from them. There were a couple of people along this line.

16 Q. Can you give us an estimate of how many volunteer
17 deputy registrars were functioning in San Francisco in the latter
18 part of 1975?

19 A. Something in the neighborhood of 1,000.

20 Q. Can you tell us how many Oaths of Office of these
21 special registrars were filed in your office?

22 A. I can't give it to you in terms of numbers. I have
23 checked, and these two groups were supplied with forms to have
24 these people sign the Oath of Office, and it was a large volume.
25 I am trying to visualize it. There must be 1,000 forms that we

1 have in our office at this time, but I do know we ran out of
2 forms. We had more mimeographed and sent them out. I wouldn't
3 say that every deputy signed one, but we we made a group effort
4 to have every deputy sign an oath of office.

5 Q. Now, if we can go through the books, Affidavit of
6 Registrars of Voters in the pre-June period, 1975, would you
7 tell us how these are issued by your office?

8 A. The books, yes.

9 Q. Yes, the Affidavit of Registration.

10 A. As I said, we have a form here that we send out to
11 organizations. We enumerate the number of affidavits in the
12 books. We have them sign for them, and then when they bring
13 them back, we in turn sign the copy.

14 I am speaking now of the form designated Exhibit No. 10.

15 Q. How would a deputy registrar obtain one of these
16 registration books?

17 A. Well, if the person comes into our office, and
18 generally we try to get him to bring in some kind of letterhead
19 from an organization, and based on the number of deputies we
20 have, we will assign a number of books, maybe ten, maybe fifteen.
21 We will write the books here and have them sign for them.

22 Q. In this pre-June period what were the maximum number
23 of books issued to any voluntary organization at any one time?

24 A. I would say in the major organizations be would be
25 in the neighborhood of, well, 100 books; it could be 200 books.

1 They might come in and ask for 40 books, and after a week they
2 may bring in ten, ask for another 40, and we would compromise
3 and given them another 20. They may come in a week later and
4 bring in 40 books, and we will give them 50.

5 Q. Who was responsible for issuing the books of
6 registration?

7 A. Mr. Renstrom would issue them, but he would counsel
8 with me if it was a large number of books.

9 Q. He also maintained a record of these books?

10 A. True.

11 Q. He was the employee to whom they were returned?

12 A. That's true.

13 Q. He would maintain a record of the returned books?

14 A. That's true.

15 Q. After June of 1975 was there any change in the manner
16 in which the registration books were issued?

17 A. No, the volume as I say, in that particular time did
18 increase, but we kept a record. And in the case of, particularly
19 Mike Mason, he in turn was able to give us the name of every
20 individual to whom each book was issued.

21 Q. I believe you gave to me a Xerox copy of certain
22 records in your office. I would like to hand to you three sheets
23 and have them marked -- What are we up to, 13?

24 A. 13 would be correct, yes.

25 Q. I would like to ask you if you could tell us what this

1 is, please.

2 (Whereupon, the above-mentioned
3 three-page document - listing of
4 election data was marked for
5 identification as Exhibit No. 13.)

6 A. Well, this is, you might say, a make-shift record that
7 we maintain in our office. We use it for two purposes.

8 When we send a run-down to EDP, Electric Data Pro-
9 cessing, we make a record of the total registrations, and they
10 send us back a printout showing the addresses. We check it to
11 make sure they have been added to the proper tape.

12 There have been occasions in the past when they picked
13 up the wrong tape, and the registration would fluctuate, and it
14 shows the date we sent out the returns, and chose the number of
15 sheets.

16 Q. This would indicate the number of voters that would
17 register in between June 18 and the general election, which was
18 held in November, 1975?

19 A. Unfortunately, this copy is poor in that it doesn't
20 show the months on it. I am sorry, counselor, but it does show
21 -- I am trying to think -- no, I would have to look at the
22 original copy. I am sorry, but this doesn't show the months.

23 Q. All right.

24 The second page of that affidavit. On the second page
25 of that you have dates.

A. Well, yes, I can give it, if I might interrupt you now.

1 On June 11 of 1975 the registration was 256,590, and
2 September 3 of 1975 it was 261,799.

3 Q. That's a difference of about 45,000?

4 A. Not in these figures, no, sir.

5 It is -- oh, pardon me, 4,500, roughly.

6 Q. What about the period ending -- what would it be in
7 October? Would that be the ending period for the general
8 election?

9 A. Yes, I know that the figure was approximately
10 302,344, which I would say was the figure at that time.

11 Q. Where were a substantial number of voters added to
12 the rolls?

13 A. That's true. Of course, this only reflects the net
14 increase in registration, and you must remember that while it
15 shows the net increase of 50,000 voters, you want to remember
16 that there were another 50,000 applications processed that
17 included change of address, name and party. So the volume was
18 more than 50,000.

19 Q. So the figure you are referring to around 50,000 was
20 new?

21 A. There was a net increase in registration.

22 Q. Then in the period between the general election and
23 the shutoff date for the special election. Would you tell us
24 how many were registered then? Could you give us the dates on
25 that?

1 A. Again, as I say, it went from 302,000, and this time
2 it is 311,000. So there was a net increase of approximately
3 9,000.

4 Q. In what period of time?

5 A. That would be in something like a 30-day period.

6 Q. Now, you have been in the Registrar's office a number
7 of years?

8 A. Approximately seven years.

9 Q. What the Committee is attempting to do is come up
10 with recommendations for improvements in the elective processes.

11 Certainly, with your familiarity, you would be in a
12 position to help the Committee.

13 I would ask you if you have any recommendations.

14 A. Back in August of 1972, or prior to that time, Mr.
15 McHaley was the Registrar of Voters, and I did prevail upon
16 him to try to make some reorganization in the Department, and
17 he did succeed in having a resolution passed by the Board of
18 Supervisors.

19 This resolution was, in turn, turned over to the
20 Civil Service Commission, and to put it bluntly, they kicked it
21 around for about a year or more, and really, nothing was done
22 of any value.

23 In February 5, 1974 I addressed a letter to Mr. Frank
24 Quinn, the Acting Registrar of Voters and I won't read this
25 letter verbatim, but I pointed out two of our most experienced

men were leaving the office, and I told him I thought we should do something, or we would be in trouble.

I pointed out at that time that approximately 18 months ago I suggested a re-organization. I pointed out that on August 14, 1972 the Board of Supervisors passed Resolution No. 518-72, and in that resolution they stated that steps should be taken to modernize and improve the election process in San Francisco.

They stated that a skilled and experienced staff on all levels is essential to the smooth functioning of the election process.

Vacancies in the staff of the Registrar's office should be filled as soon as possible and steps be taken to insure the development of a skilled and experienced corps of workers to conduct our elections.

As I pointed out, eighteen months passed and, frankly, nothing was done. Our staff --

When I went into the Department we had 24 employees, and today we have 15.

In the meantime, the scope of the operations has extended and increased significantly. Just to mention a few of them, we now have a elected School Board. We didn't have one prior to that time. We now have an elected Bar Board. We didn't have one prior.

Today we have petitions in lieu of filing fees. In

1 the first election we had 45,000 names we had to check out for
2 candidates. It takes a lot of time.

3 Up until approximately three years ago, registration
4 stopped 54 days before the election, which meant we had 42 days
5 in order to get everything out ten days before the election,
6 as required by law.

7 In the recent years we have had 30 days. Our time
8 has been cut down to nothing.

9 SUPERVISOR FRANCOIS: Where you have the Community
10 College District Board --

11 THE WITNESS: When I said "School District", I didn't
12 mean that. We had a 54-day cutoff. We had certain areas. We
13 can have the girls process the affidavits, and we have a group
14 of typists, say, six or eight of them, typing everything up.
15 As soon as they finished, we can clear the area and take the same
16 area and use it for stuffing sample ballots. The girls who have
17 been typing the affidavits and recording them for EDP are then
18 free to start working on absentee ballots.

19 Today these operations overlap, yet there is no
20 additional space for it. We couldn't even --

21 As I say, we have two sets of typists, but we can't
22 get typewriter stands. We rent typewriters, but we have no place
23 to put them. We do need a place.

24 For the last two years we have usurped the property
25 of the area which was first used by Civil Service and then by

1 the Department for the Aged. If we don't have this area, we
2 don't have space. We are going to be in a real problem then.

3 We have difficulties now working overtime on Saturdays
4 and Sundays getting this mail out in time as prescribed by law,
5 and if you start to move the area of stuffing away from our
6 freight elevators, it will slow it up even more. Everything is
7 brought down to the basement of of City Hall, and we have a
8 large elevator there.

9 MR. MOMBOISSE: Q. Is this a copy of the letter you
10 referred to?

11 A. Yes.

12 MR. MOMBOISSE: Can we have it marked as the next
13 number for the record; the recommendation is from the witness.

14 (Whereupon, the above-mentioned two-
15 page letter, dated February 5, 1974,
16 to Frank Quinn from Hugh E. Maguire
17 and a Xerox copy of Resolution No.
518-72 was marked for identification
as Exhibit No. 14.)

18 MR. MOMBOISSE: Q. Now, in your review of the
19 voters' affidavits that were filed, did you find any that you
20 considered fraudulent?

21 A. Yes. There was one group that I happened to recheck,
22 but I am not a handwriting expert, but it was, obviously, they
23 were all written by the same person. Subsequently, they were
24 reviewed by a handwriting person, and it turned out --

25 Q. You referred this to the District Attorney's Office?

1 A. True.

2 Q. I believe they charged the individual?

3 A. That's true.

4 Q. Were there other incidents?

5 A. There were people who were subsequently found to be
6 registering people who didn't live in San Francisco or they were
7 using fictitious addresses. There were people registered at
8 mail drops. We did file several cases at that time.

9 Q. What procedure is followed by you to find the
10 fraudulents?

11 A. When there was a good deal of publicity in the papers
12 concerning the fraudulent registrations, a couple of organizations
13 that operated mail drops contacted me. They didn't want to get
14 involved, and they told me they were receiving mail at these
15 mail drops, and they turned them over to the District Attorney.

16 Q. Whenever these instances were found by you, they were
17 referred to the District Attorney's?

18 A. Yes.

19 Q. The registration books were supposed to be returned
20 within a certain period of time?

21 A. Under the law they have to be returned five days from
22 the end of registration, and if they are not, we refer them
23 to the District Attorney.

24 Q. With the voter registration drive in 1975, were there
25 a number not returned?

1 A. That's true.

2 Q. Give us an estimate.

3 A. In the final analysis, 100 books.

4 Q. Were these referred to the District Attorney's Office?

5 A. They were.

6 Q. Now, on that Affidavit Oath Registration of Voters
7 there is a second copy of the yellow sheet?

8 A. That's correct.

9 Q. At the bottom of that there is a detachable piece
10 of paper.

11 A. True.

12 Q. What is that?

13 A. A receipt.

14 Q. How is that handled after registration?

15 A. The second -- the yellow one is given to the person
16 who registers.

17 Q. Now, I understand that an individual whose affidavit
18 was not in a precinct was allowed to vote if he had the yellow
19 receipt with him; is that true?

20 A. Yes, subject to this condition that the registrar
21 worker verify the fact that the person was, in fact, registered
22 with their precinct, and that the receipt was a recent date.

23 In other words, we told them we wouldn't honor them
24 if they were a year old. Whenever we had a situation of this
25 kind we got a call from a precinct worker, and we did allow them
26 to accept the vote of the party. We did instruct them after

1 the election to get in touch with us to find out why that
2 affidavit was not on file.

3 Q. Were they instructed to keep a record of the people
4 who voted?

5 A. We told them to put a notation on the back of the
6 roster. We have to have it in order to know the number of people
7 who voted and the number of shows.

8 Q. Were any checks made by your office to determine
9 whether the yellow-slip voters were registered voters?

10 A. Yes, we checked a large number of them and followed
11 through on a lot of them, and we sent out the form letter, and
12 a lot of them did come in. We find that many times when a
13 person signs an affidavit there are two places -- I don't have
14 the affidavit in front of me, but there are two places. There
15 is a place on the affidavit for them to sign, and further down
16 there is place where they sign a receipt. Many times they sign
17 the receipt and don't sign the affidavit itself, and that's
18 where they have the hangup.

19 Q. Can you give us the result of the check you made to
20 determine whether or not the person actually voted?

21 A. Well, any check that we made we have never seen any-
22 thing that we thought was fraudulent.

23 As I say, the main reason that we have that people's
24 affidavits were not in the file was because we held it out for
25 some lack of information on the affidavit itself.

1 Q. Did you ever have an opinion from the City Attorney
2 as to the legality of voting with a yellow slip when the
3 affidavit is not in the precinct?

4 A. Not to my knowledge.

5 Q. Was it ever requested?

6 A. Not to my knowledge.

7 Q. Do you have legal authorization for such a procedure?

8 A. No, my -- the only authority I would be able to cite
9 is to know that there are some opinions with reference to
10 parties that the law does state that the circulator of the
11 petition must, in fact, be a registered voter.

12 It is my understanding that if five or six people in
13 good faith sign a petition, they should not be invalidated
14 because the party who passed that petition was not, in fact,
15 registered.

16 MR. MOMBOISSE: I have no further questions. I would
17 ask a favor of you, please. Would you obtain another copy --
18 a Xerox copy of your sheet?

19 MR. MAQUIRE: Yes.

20 MR. MOMBOISSE: So we can place it.

21 CHAIRMAN BARBAGELATA: I have no further questions.

22 Thank you.

23 MR. MOMBOISSE: I think you have the original. I
24 would like all the documents back.

25 CHAIRMAN BARBAGELATA: Off the record for a moment.

1 (Whereupon, there was a short recess.)

2 CHAIRMAN BARBAGELATA: Back in session.

3 We are on the record, and for the file, for the record,
4 this is a document which will be Exhibit No. 15. It is a
5 summary of various irregularities and malconduct that were found
6 in the 1975 runoff election. This is for the file.

7 (Whereupon, the above-mentioned summary of
8 various irregularities in the 1975 runoff
9 election was marked for identification as
Exhibit No. 15.)

10 Now, Mr. Renstrom, will you take the stand?

11 CONRAD RENSTROM,

12 first having been duly sworn to tell the truth, the
13 whole truth and nothing but the truth, testified as
14 follows:

15 CHAIRMAN BARBAGELATA: Mr. Renstrom would you raise the
16 mic., please, and speak into it so everybody can hear you, please.

17 EXAMINATION BY MR. MOMBOISSE

18 MR. MOMBOISSE: For the record, please give us your
19 name.

20 A. Conrad Renstrom.

21 Q. Are you employed with the City and County of San
22 Francisco?

23 A. Yes, General Clerk 1404.

24 Q. How long have you been purely in the Registrar's Office?

25 A. Approximately ten years, sir.

26 Q. What are your duties in the office?

1 A. Well, the duties are, generally, I do the work on the
2 counter. When necessary I go in the back and help with the
3 petitions. My duties are to teach classes and give out
4 registrar books.

5 Q. You say you work at the counter? What does that
6 entail?

7 A. People who come in to register to vote -- someone who
8 comes in to register or re-register, that is my function.

9 Q. Do you have any duties in teaching deputy registrars?

10 A. Yes, sir. I taught most of the deputy registrars at
11 night up until the middle of June.

12 Q. Now, in the period before June of 1975 did you teach
13 classes of deputy registrars?

14 A. Yes, I did.

15 Q. What was the procedure in the selection of those who
16 would be in the classes?

17 A. Well, I would get them into the classroom and, at
18 the blackboard, go over the affidavit once or twice. We would
19 take about a two-minute or five-minute break, and I would have
20 them register each other and go up and down and look at their
21 papers. If someone appeared that they were not going to do a
22 good job, we would ask them, the group they came from, and say
23 that we can't use the people because their writing is too poor
24 and let them do something else.

25 Q. During that period there were two types of deputy

1 registrars?

2 A. Yes, sir.

3 Q. Those that were employed by the City and County and
4 those volunteers?

5 A. Yes.

6 Q. Were both of those groups trained by you?

7 A. Yes, sir.

8 Q. In that period of time were there any outside -- by
9 "outside", I mean not employed by the Registrar's Office -- who
10 were training deputies?

11 A. No, sir. No, sir.

12 Q. What about the oath of office? During that period
13 who administered it to the deputy registrars?

14 A. When we finished our class, I would have the group
15 stand up, and they would follow me on the oath.

16 Q. I will show you what we have marked No. 3.

17 A. Yes, sir. This is the Oath of Office.

18 Q. That would be completed by you at the end of the
19 training course?

20 A. Yes, about five or ten minutes to 8:00 o'clock at
21 night I would have them fill out their name after they swore to
22 it. I would have their name printed at the top, and then sign
23 their name at the bottom, and I would sign my name and date it.

24 Q. Were these filed in the office?

25 A. Yes.

1 Q. Did any of these deputy registrars register anyone
2 prior to taking the oath?

3 A. Just classroom practice.

4 Q. I am talking about --

5 A. They didn't go out, no, sir.

6 Q. May I have that back, please.

7 A. (Witness returns document.)

8 Q. Now, what about the books of registration, these
9 affidavit books. I think we have a cover of one --

10 A. Yes, sir.

11 Q. -- already marked here.

12 A. Yes, sir.

13 Q. I think it has fallen out on me.

14 A. No, sir. It should be right there.

15 Q. It seems that someone walked off with our exhibit.

16 Do you know what I am referring to?

17 A. Yes, sir.

18 Q. How were they issued in the period before June, 1975?

19 A. Before June, 1975 they were issued if a group had
20 ten people in a class. The following day after the class, the
21 person who was responsible for that group would come in and he
22 would get just ten books, one for each person.

23 They were filled up, and they would come back and get
24 ten more, and I kept tight control on it and was sworn at many
25 times for holding down. That was in 1974.

1 Q. So that the books were issued only one for each person
2 that was trained by you?

3 A. Yes, sir.

4 Q. What would be the maximum, in your opinion, that would
5 be issued to an organization at one time during this period?

6 A. If they had a great number of people, they could get
7 a great number of books. It was very mild compared to this
8 year.

9 Q. Did you keep a running record of the books?

10 A. Yes, sir.

11 Q. Do you have that with you?

12 A. Yes, sir.

13 Q. May we see it, please?

14 A. (Witness hands book to Mr. Momboisse.)

15 Q. It seems to be a little full.

16 A. Yes, that shows you what happened.

17 Q. The yellow sheets in the book would be a running
18 record of the issuance of books to various organizations?

19 A. Yes, sir.

20 Q. It seems that December 12, 1974 would be the first
21 entry date.

22 A. Yes, sir.

23 Q. How would the entries be made in the record?

24 A. On your white sheet there is a date.

25 In other words, you would have June 10, then on the

1 yellow sheet it would be how many books went out, ten.

2 Q. When you refer to the white sheet, I show you No. 10.
3 That is the white sheet you are referring to?

4 A. Yes.

5 Q. Is that the receipt for the affidavit book?

6 A. Yes.

7 Q. First, a person is to complete that?

8 A. Yes, we have the date, the organization and the number
9 of books, and who was responsible for the books, and a date to
10 come back.

11 Q. After that was completed --

12 A. We kept the original, and the person was given the
13 second copy, and the third copy we had over to one side as a
14 safety valve.

15 Q. What was done with respect to the running record?

16 A. It was issued. We put the date then on the yellow
17 sheet. We put the same date and how many books were back and
18 how many books were out.

19 Q. Going through here, it appears that in 1975 twenty
20 books were issued at one time. And there seems to be a very
21 small number of books issued to any particular organization.

22 A. Yes, that is true.

23 Q. Now, were there any changes in June of 1975? First,
24 with regard to training of deputy registrars.

25 A. Yes, there was.

1 Q. Would you please tell me how that came about?

2 A. I don't know how it came about.

3 Q. What instructions did you receive and from whom?

4 A. Mr. LeGuennec said to me that I wouldn't teach any more
5 classes. I didn't have to.

6 He said that if groups came up, I was to give them
7 books and materials and so forth. That was about it, sir.

8 Q. Were these groups identified in any way that you were
9 giving books to?

10 A. Yes, sir.

11 Q. Who were they?

12 A. The Coalition and Frontlash. And of course, the
13 League of Women Voters, but they had a very small number.

14 Q. Were these groups into training of deputy registrars?

15 A. I assume that.

16 Q. You were not doing it?

17 A. No, sir.

18 Q. In fact, you did have some training classes after
19 June?

20 A. Yes, sir.

21 Q. How did they come about?

22 A. Well, can I --

23 Q. Sure, go ahead.

24 A. Mr. Harry Hukari summoned me and asked me to teach
25 a class. And I said I would have to get permission, and he
26 said he wanted to do it the right way, and we want you to train

1 us. I got permission to teach the class. And I said, fine,
2 I will get you together. And that was about my last training
3 class.

4 Q. You did, prior to June of 1975, train some of the
5 Frontlash registrars?

6 A. In 1974 I took over the position, and I would say
7 about March of 1974 people from Frontlash came into the classes.
8 They would bring their people. We had a different leadership
9 early, and they would bring in ten or twelve people, and when
10 they got back we went over the problems. And if they had
11 deputies to get rid of, we got rid of them.

12 There was a person who was bad, and I asked the union
13 to discharge them, and they said, fine, and did it.

14 Then the other groups came in and did the same thing.

15 Then a year later he showed up in a different capacity.

16 Q. With regard to the issuance of books after June of
17 1975, what were your instructions?

18 A. My instructions were to issue the books to the people
19 when they requested them.

20 Q. Any limitations on the number that would be issued
21 at one time?

22 A. No, sir.

23 Q. Were there substantial numbers requested?

24 A. Yes, sir.

25 Q. Give us an indication from your record of some of them.

1 A. Well, alone one day they asked for 100 books, and I
2 thought it was pretty unusual. And I presented to Mr. Foran --
3 I said, "What do we do?"

4 He said, "Well, get your books marked up and keep a
5 record of them, and that is all you can do."

6 Q. Now, suppose an individual came to the office and
7 said they wanted to become a deputy registrar.

8 A. Yes, sir.

9 Q. In the post-June, 1975 period --

10 A. Yes, sir.

11 Q. -- what action would you take?

12 A. Well, I would give the person a choice of going to
13 Coalition, Frontlash, or the League of Women Voters to be
14 trained.

15 Q. In other words, they would be referred to one of the
16 organizations you referred to?

17 A. No, sir.

18 Q. There was no training in your office?

19 A. Except for the big class.

20 Q. Was there any supervision of deputy registrars that
21 were working for these various voter organizations by your
22 office?

23 A. No, sir. When the books came back, I would screen
24 them as much as I could, and then point out to Mr. Foran and
25 complain to the organization that a person was doing very poor

1 work or that it looked very, you know, some of these were awful.

2 Q. Quite a few?

3 A. Yes, quite a few, yes, sir.

4 Q. This was called to the attention of --

5 A. Yes, sir.

6 Q. Who did you make contact with in these organizations?
7 Coalition, first.

8 A. Mike Mason.

9 Q. What about Frontlash?

10 A. Mr. Brown.

11 Q. What about the League of Women Voters?

12 A. Judith Alexander.

13 Q. Did you call to, say, Mr. Brown's attention any of
14 these errors?

15 A. Yes, sir, many times, many occasions.

16 Q. Did he take any remedial action?

17 A. No, sir.

18 Q. What about Mr. Mason?

19 A. He was one hundred percent. He really was. He
20 cooperated with us as much as he could.

21 Q. Now, I notice on this receipt for affidavit book --

22 A. Yes, sir.

23 Q. -- one person signs for the organization?

24 A. Yes, sir.

25 Q. And that is Mr. Mason?

1 A. Or Mr. Gong, whoever happened to be there.

2 Q. Did they, in turn, keep records of who they gave the
3 books to?

4 A. Mr. Mason kept complete records.

5 Q. Mr. Brown?

6 A. That was another story, sir.

7 Q. Now, it is required that registration books be
8 returned to you within a given period of time after the close
9 of the registration.

10 A. Five days, sir.

11 Q. After the five-day period, can you tell us were all the
12 books returned?

13 A. No, sir, they were not.

14 Q. Are there still some that have not been returned?

15 A. Approximately 100.

16 Q. Can you tell us who is responsible for those books,
17 as far as your record indicates?

18 A. Mr. Mason came up and gave us a list of books that
19 his organization had out. I turned that list over to the District
20 Attorney, and Mr. Brown -- we had very, very little cooperation
21 with him.

22 Q. He had no record of to whom he gave them?

23 A. No, sir.

24 In fact, I was stunned at their operation down there.

25 Q. Now, did you give these instructions that were

1 formerly marked as No. 4, to the representatives of these
2 various organizations?

3 A. Yes, sir. We went over them many times.

4 Q. Did you give them any instructions on how they were
5 to train the deputy registrars?

6 A. Yes, sir. We went over it, and I emphasized again
7 and again to make sure that if at all possible to get their
8 people a street guide book or a street map so when they spell
9 out the street, it would be done correctly.

10 Q. Did you give them Appointment and Oath of Office, which
11 is marked as No. 3?

12 A. Yes, sir, we did.

13 Q. They were going to complete those?

14 A. Yes, sir.

15 Q. Did they complete them and return them to you?

16 A. Mr. Mason completed it.

17 Q. What about Mr. Brown?

18 A. No, sir. It was very -- it was a lackadaisical
19 operation on his part, sir.

20 Q. In other words, deputy registrars were operating with-
21 out the Appointment and Oath of Office on file in your office?

22 A. Yes, sir.

23 Q. Do you know whether, in fact, the Oath of Office was
24 ever given to any of these deputies?

25 A. Yes, sir. They had to be. I told them.

1 Q. They should have been?

2 A. I know what you mean, all right.

3 Q. You don't know?

4 A. I have no way of knowing.

5 Q. A number of Appointment and Oaths of Office were not
6 returned to you?

7 A. Yes.

8 Q. And the registrars were registering them?

9 A. Yes, sir.

10 Q. Because you received Affidavits of Registration from
11 them?

12 A. Yes, sir.

13 Q. Now, were any fraudulent or suspected fraudulent
14 affidavits observed by you?

15 A. Yes, sir, and I immediately --

16 Q. Explain, please.

17 A. The books came back, and as I said, I started to
18 screen them out, and I saw one book, and didn't look right. So
19 I immediately showed it to Mr. Maguire, and I called his
20 attention to it. We called up Mr. Brown -- Mr. Maguire called
21 him twice that day, and I called him maybe four times that day,
22 and there was no communication with the man; there was no
23 communication at all.

24 Q. Were any matters referred to the District Attorney's
25 Office by the Registrar's Office?

1 A. Yes, sir.

2 Q. This related to what?

3 A. The District Attorney's staff came up and talked to
4 Mr. Maguire, and they went over the details with him, sir.

5 MR. MOMBOISSE: I don't think I have any further
6 questions.

7 CHAIRMAN BARBAGELATA: Let me just ask a couple of
8 questions.

9 On the deadline, the legal deadline for returning
10 the affidavit books, how many books were out, let's say, was
11 it 1,007?

12 THE WITNESS: It could be, sir. I can't give you an
13 honest answer.

14 CHAIRMAN BARBAGELATA: You don't have any record?

15 THE WITNESS: I don't.

16 CHAIRMAN BARBAGELATA: Is it possible -- was it 1,007?

17 THE WITNESS: It could have been.

18 CHAIRMAN BARBAGELATA: My records show that. You
19 don't dispute that?

20 THE WITNESS: I wouldn't know. No, sir, I wouldn't.

21 CHAIRMAN BARBAGELATA: And with respect to the Oath
22 of Office?

23 THE WITNESS: Yes, sir.

24 CHAIRMAN BARBAGELATA: How many deputy registrars were
25 there?

1 THE WITNESS: In 1975, 849.

2 CHAIRMAN BARBAGELATA: How many Oaths of Office were
3 on file?

4 THE WITNESS: I couldn't give you an answer.

5 CHAIRMAN BARBAGELATA: More than 50?

6 THE WITNESS: Well, more than that, but --

7 CHAIRMAN BARBAGELATA: More than 75?

8 THE WITNESS: Not too much more than 75.

9 CHAIRMAN BARBAGELATA: Less than 100?

10 THE WITNESS: Probably.

11 CHAIRMAN BARBAGELATA: Okay, thank you. That's all.

12 MR. MOMBOISSE: I have no further questions.

13 CHAIRMAN BARBAGELATA: Supervisor Nelder?

14 SUPERVISOR NELDER: Mr. Remstrom, you said there was
15 some evidence of fraud that came to your attention.

16 THE WITNESS: It was only I looked -- I looked at the
17 affidavit, and it didn't seem right to me. That is what I meant,
18 and I showed it to my supervisor. I saw two or three affidavits,
19 and the names didn't seem to be right to me, and I showed them
20 to Mr. Maguire, and we put the book to one side, and we contacted
21 -- or attempted to contact, the deputy registrar and we couldn't.
22 So I phoned Mr. Brown, and I phoned the phone number and the
23 person wasn't there. So I told them, why not come down and let's
24 straighten some of it out. And he said, surely, surely, and
25 he came in, and I showed him a lot of these errors. And he said

1 that he would correct them right away and so forth. And that
2 was about it.

3 SUPERVISOR NELDER: Well, how extensive an investi-
4 gation was made to determine whether or not there was any
5 fraud committed upon these?

6 THE WITNESS: The only thing we could do was call the
7 group leader and ask him to, you know, straighten these things
8 out and find out what is wrong. Or, if I have the deputy, that
9 is all I can do. Of course, maybe the District Attorney can
10 look into it, because they have the facilities for doing that
11 and we don't.

12 SUPERVISOR NELDER: Did the police and the District
13 Attorney's and Attorney General's Office make an attempt to
14 identify fraudulent activity in June of 1975?

15 THE WITNESS: Yes, they were in our office, and we
16 went over our books and so forth.

17 SUPERVISOR NELDER: Was it you that said there was
18 one series of handwriting that appeared to be identical that
19 attracted your attention?

20 THE WITNESS: That was Mr. Maguire.

21 I was the one who called his attention to it. I saw
22 the book and looked at it and saw the affidavits, and they
23 didn't look right to me.

24 SUPERVISOR NELDER: That was called to the District
25 Attorney's attention?

1 THE WITNESS: Yes, it was.

2 SUPERVISOR NELDER: Did you say there was still 100
3 books out?

4 THE WITNESS: Approximately, sir.

5 SUPERVISOR NELDER: What effort has been made to
6 retrieve those books?

7 THE WITNESS: Mr. Mason gave me a list of all the
8 books missing from his group, and I gave them to the Police
9 Department, who gave them to the District Attorney and had a
10 police officer to bring them down to the District Attorney's
11 Office.

12 SUPERVISOR NELDER: You have some identification or --
13 some identification or some idea as to where the books were at
14 one time?

15 THE WITNESS: Yes, sir.

16 SUPERVISOR NELDER: Mr. Momboisse, perhaps you know
17 more about this than I do. But what are we going to do?
18 Identify who are the people who are going to do this as we go
19 along?

20 MR. MOMBOISSE: Basically, we have been identifying
21 the documents in the Registrar's Office. These have not been
22 compiled by the office, and we need the total number of books
23 issued, those returned and the number of affidavits and appli-
24 cations. We have already compiled the information, and we can
25 tell you how many, about how many, were not, and a cross index

1 on the affidavits and a registration.

2 SUPERVISOR NELDER: I will say that I will hold my
3 questioning at this time. I do have questions.

4 MR. MOMBOISSE: I am sure the witness will be available
5 to come back.

6 CHAIRMAN BARBAGELATA: May I ask you one or two more
7 questions?

8 THE WITNESS: Sure.

9 CHAIRMAN BARBAGELATA: Is it reasonable to assume, and
10 do you agree for all practical purposes, the normal process that
11 had been established over a period of years -- and customary
12 in San Francisco for registering voters, was completely abandoned
13 after June of 1975?

14 THE WITNESS: Yes, sir.

15 CHAIRMAN BARBAGELATA: That we went into a new process
16 of allowing people to, almost without control, take affidavit
17 books and distribute them at their leisure in any manner that
18 they so desired; is that reasonable?

19 THE WITNESS: That would be reasonable.

20 CHAIRMAN BARBAGELATA: Up until that time there was
21 a tight control?

22 THE WITNESS: It was, yes, sir, because we knew who
23 the deputies were and we knew who the groups were and the leader
24 was. We trained the people ourselves.

25 CHAIRMAN BARBAGELATA: Is it reasonable to assume that

1 since there were hundreds and hundreds of books out distributed
2 by two basic groups that controlled the total drive, it would
3 be reasonable to say they controlled the total registration in
4 that year?

5 THE WITNESS: Yes, sir.

6 CHAIRMAN BARBAGELATA: Is it also reasonable to say
7 that there could have been all sorts of misdemeanors and
8 felonies?

9 THE WITNESS: I can't get into that.

10 CHAIRMAN BARBAGELATA: With respect to the registra-
11 tion process?

12 THE WITNESS: That would only be speculation on my
13 part.

14 CHAIRMAN BARBAGELATA: Is it a misdemeanor or felony
15 to register someone, you know, who isn't a resident of the City?

16 THE WITNESS: Certainly it is a violation.

17 CHAIRMAN BARBAGELATA: Was there any control in that
18 drive -- or let me restate that.

19 Was control lost after June?

20 THE WITNESS: Well, it wasn't completely lost, because
21 as I said, Mike Mason covered it one hundred percent, and we
22 would point out errors to him, and the things we pointed out
23 he would do his best to correct them.

24 CHAIRMAN BARBAGELATA: How many people did Mike Mason
25 have under his wing?

1 THE WITNESS: I would say probably 800, maybe more
2 than that.

3 CHAIRMAN BARBAGELATA: Around 800?

4 THE WITNESS: Yes, sir.

5 CHAIRMAN BARBAGELATA: But he didn't bring in Oaths
6 of Office for the 800?

7 THE WITNESS: Yes, he brought in the majority. He
8 brought in the Lions' share of oaths.

9 CHAIRMAN BARBAGELATA: Let me state it again.
10 You said there was less than 100 Oaths of Office on record.

11 THE WITNESS: In the very beginning, in the very
12 beginning.

13 CHAIRMAN BARBAGELATA: Let me ask you that:
14 How many Oaths of Office are there on record?

15 THE WITNESS: I would have to count them.

16 CHAIRMAN BARBAGELATA: Under 100?

17 THE WITNESS: I would have to count them.

18 CHAIRMAN BARBAGELATA: You testified earlier there
19 were more than 75 and less than 100.

20 THE WITNESS: In the beginning when the groups went
21 out, there were no oaths required, to my knowledge.

22 Later they said, "Make them take the oath."

23 Then I went down and had many Xerox copies made and
24 gave them to the groups and told them to fill them out and bring
25 them back. Mike Mason brought most of them back.

1 CHAIRMAN BARBAGELATA: Do you have --

2 THE WITNESS: They are packed up on the desk.

3 CHAIRMAN BARBAGELATA: Were they brought back recently?

4 THE WITNESS: No.

5 CHAIRMAN BARBAGELATA: When were they brought back?

6 THE WITNESS: As the drive went on, as I gave them
7 to them, they started to come in.

8 CHAIRMAN BARBAGELATA: Could you supply me with the
9 number of Oaths of Office?

10 THE WITNESS: Yes, I will count them out.

11 SUPERVISOR FRANCOIS: Mr. Chairman, apparently I
12 have been silenced.

13 CHAIRMAN BARBAGELATA: The mic. works. The light
14 doesn't go on.

15 SUPERVISOR FRANCOIS: Am I on now?

16 How long have you been in the Registrar's Office?

17 THE WITNESS: Ten years, sir.

18 SUPERVISOR FRANCOIS: Is it a fair statement that
19 over that period there has been an effort to relax the process
20 in order to increase the number of registered voters by making it
21 more available to outside groups?

22 THE WITNESS: Could I ask -- let me put it to you
23 this way:

24 In other words, what you are saying is, did they
25 allow more deputy volunteers to participate?

1 SUPERVISOR FRANCOIS: Let me see if I can put it in
2 a different way:

3 As you can see, what I am driving at, I can recall
4 a time when that office was extremely reluctant to certify
5 volunteers.

6 THE WITNESS: Yes, sir.

7 SUPERVISOR FRANCOIS: If one desired to conduct
8 registration, you would send someone from your own staff. This
9 was some years ago. Then the City made it so you could use
10 volunteers if they would come out and take a class one night
11 where they were instructed by members of the staff at the
12 Registrar's Office; is that correct.

13 THE WITNESS: Yes.

14 SUPERVISOR FRANCOIS: And then the next step was to
15 allow people who had shown credibility, and experience and
16 reliability, to conduct the classes themselves at some other
17 location other than City Hall?

18 THE WITNESS: I don't know about that. It may have
19 been in the past, but all I know is when I took over the desk
20 from the man who had it ahead of me, it was that we looked over
21 the people's work, and we validated it, and that was it.

22 I mean, so to my knowledge, this was the way that
23 it was done.

24 SUPERVISOR FRANCOIS: That system changed in 1975?

25 THE WITNESS: (Witness nods affirmatively.)

1 SUPERVISOR FRANCOIS: And at that point the books
2 went out, and the classes were not held down at City Hall?

3 THE WITNESS: Unless the group specifically wanted
4 it.

5 CHAIRMAN BARBAGELATA: You are saying, yes. You
6 nodded your head, but the reporter can't get that.

7 THE WITNESS: Yes.

8 SUPERVISOR FRANCOIS: The system changed?

9 THE WITNESS: Yes, sir, it did.

10 SUPERVISOR FRANCOIS: At that time the policy decision
11 was made that your office would rely upon people familiar with
12 the process to instruct school, volunteer deputies who would,
13 in turn, produce deputy registrars who would return the affidavits
14 to the office?

15 I think it would be a fair statement to say that it
16 didn't work very well?

17 THE WITNESS: No, sir, it didn't.

18 SUPERVISOR FRANCOIS: And we now have how many people
19 on the rolls, or at least at the time of the election, on the
20 basis of returns of the sample ballots; how many sample ballots
21 were returned because the addressee did not live at the place
22 where he or she listed?

23 THE WITNESS: I can't answer that.

24 Mr. Maguire would know more about it than I would. I
25 am only one part of the office.

1 CHAIRMAN BARBAGELATA: Off the record, please.

2 (Whereupon, there was an off-the-record discussion.)

3 CHAIRMAN BARBAGELATA: Back on the record, please.

4 SUPERVISOR FRANCOIS: So the record of returned sample
5 ballots and the other material for registered voters has been
6 rather startling, to say the least?

7 THE WITNESS: Yes, sir.

8 SUPERVISOR FRANCOIS: And it does indicate that some
9 changes are necessary in order to tighten up procedures?

10 THE WITNESS: Yes, sir.

11 SUPERVISOR FRANCOIS: There is a potential -- there is
12 a potential for misuse of the process if we were to continue to
13 follow the same procedures that we did in 1975?

14 THE WITNESS: It is a fair statement.

15 SUPERVISOR FRANCOIS: Thank you.

16 CHAIRMAN BARBAGELATA: Mr. Mellon.

17 THOMAS J. MELLON,
18 having been first duly sworn to testify to the truth,
19 the whole truth and nothing but the truth, testified
20 as follows:

21 EXAMINATION BY MR. MOMBOISSE

22 MR. MOMBOISSE: Q. May we have your name, for the
23 record?

24 A. Thomas J. Mellon.

25 Q. And what is your position?

1 A. Administrative Officer of the City and County of San
2 Francisco.

3 Q. Fortunately, I am not going to have to go into your
4 records. I understand you are responsible for all the records
5 of San Francisco.

6 I want to ask you about a meeting that was to have
7 taken place in your office around June 19, 1975.

8 A. I am not certain of that date.

9 However, in reference to that meeting, I would have
10 to give a little background which leads up to the meeting and
11 the reason for it.

12 Q. That would be good, if you would, please.

13 A. If I might be permitted to do that.

14 This matter of pay for registration on a unit basis
15 came to our attention when we received a letter from the Board
16 of Supervisors, or written by the then Clerk, Robert Dolan. It
17 is addressed to Mr. Dolan and is in response to his letter of
18 February 25.

19 This letter is dated February 26, 1975 where Mr.
20 Dolan had asked for a reaction or response to a proposed
21 resolution endorsing the concept of compensating deputy
22 registrars on the basis of the number of voters they register.

23 Without reading the whole letter, Mr. Boreman's
24 response was, as Registrar of Voters, he was opposed to the
25 idea.

1 He opposed it before the Governmental Services
2 Committee and the Special Committee on February 25. Then he
3 gives his reasons for opposing it, and his reasons were
4 basically that this kind of approach, even though the City was
5 paying the money, would make close control of the system by the
6 Registrar's Office difficult.

7 The reasons for that was they didn't have enough staff
8 for a City-wide effort, in his opinion, rather than an effort
9 by various organizations, and he felt that it was just impossible
10 to administer this kind of piecemeal compensation on the basis
11 of registered voters at 35 cents a vote, or whatever it was.

12 Now, I supported that letter, as did Mr. Elliott, the
13 Director of Finance and Records.

14 However, on March 12th or thereabouts, the Board
15 nevertheless passed a resolution that said that San Francisco
16 was one of only eight counties in the State of California that
17 did not have this kind of system, and unless they recited the
18 fact that the Community Development Act, did indeed, had funds
19 to pay for the amount of \$25,000, then also the result was they
20 endorsed the inauguration of continuing county-wide voter
21 registration in which the registrar shall be compensated on
22 the basis of the number of votes he registers.

23 That was not signed by Mayor Alioto. However, it
24 became effective without his signature about March 12. It then
25 developed that the Department of Housing and Urban Development

1 would not approve the use of revenue sharing funds for this
2 purpose. We had the resolution, and the concept, and the policy
3 had been established, but we had no way to fund it.

4 Then we were asked -- my office was asked and
5 initiated an appropriation supplement to be used against funds
6 in the amount of \$25,000, and this passed the Board of
7 Supervisors, but it was vetoed by the Mayor and that was not
8 overridden.

9 The policy, it seems to me, by that time and for the
10 reasons mentioned by Supervisor Francois, that there has been
11 an effort to make it a little easier for people to register, to
12 do everything we could --

13 Well, when we got to this point and the date you gave
14 me on the meeting, maybe the people who came to that meeting --
15 the meeting was somewhere else in City Hall at that time -- and
16 my office was called and asked if I would meet with them.

17 I have no record of it. It was not by appointment
18 or anything of that kind. So I didn't know who was at the
19 meeting.

20 Now, I think I remember questions that you wanted to
21 determine if there were any minutes or a record of the meeting.
22 There was not.

23 I have to rely on my memory, and also on some inquiries
24 made of people who I knew were at the meeting to give you some
25 idea of who was there.

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2 purpose. We had the resolution, and the concept, and the policy
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18 or anything of that kind. So I didn't know who was at the
19 meeting.

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21 determine if there were any minutes or a record of the meeting.
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23 I have to rely on my memory, and also on some inquiries
24 made of people who I knew were at the meeting to give you some
25 idea of who was there.

1 Virgil Elliott was there. Mr. Le Guennec, who was
2 at that time, Registrar; Mr. Quinn was there. He is here today
3 on a voluntary basis if anyone here has any questions to ask him.

4 Mr. Agar Jaicks was there. Mr. Joseph Sullivan was
5 there. Mr. Crowley was there as Head of the Central Labor
6 Council. A man by the name of Harry Ryan was there, and I don't
7 know what his association was.

8 There was Mr. Bramcovich. There was a Sue Kennedy,
9 who was an administrative aid to Congressman Phil Burton.

10 There was a Maria Thomas, who was an administrative
11 aid to Assemblyman Foran at the time.

12 Mike Schneider was there, who was in the Mayor's
13 Office at the time. I don't know who he represented.

14 There was a Ben Thomas also who was an administrative
15 assistant to Congressman Phil Burton.

16 There could have been others, but this is the best
17 of my recollection of the people who were there.

18 The purpose of the call to me was to see if there
19 wasn't some way of following through or getting some funds to
20 start this registration drive.

21 Well, I had no way of getting any funds, but they
22 then said: We will finance the drive, and I can't tell you how.
23 But out of that came a comment to finance the drive at 35 cents
24 a vote themselves.

25 It was said, "Would you do this for us? Would you

1 get your people in the Registrar's Office and to come out to
2 the various districts and hold meetings and train these people?"

3 This is just impossible. We don't have the people to
4 do it. Many of these meetings are at night. Many of the people
5 on the staff are women and they can't go into the various
6 sections of the City at night. So it was an impossibility to
7 have a training process of that type.

8 SUPERVISOR FRANCOIS: Plus you would have to pay
9 overtime.

10 THE WITNESS: And we had no fund to do that even if
11 we have people to go.

12 Out of this discussion came the only thing that was
13 decided, and that was that we would hold classes to teach a
14 reasonable number of their people so that they could go out and
15 teach others to teach, and they could train deputies in their
16 own areas. That we agreed to do.

17 It seemed to me like the reasonable approach. So that
18 was the only thing that was agreed on at that meeting.

19 At least nothing else that I can recall was agreed on,
20 and they accepted it. They said, if they could do that, that
21 would be helpful and they could start the registration drive.

22 MR. MOMBOISSE: Q. Will you refer to certain documents?
23 You had a letter. I was wondering if you might have a copy of
24 that.

25 A. I have three copies of this letter, which is the one

1 that I believe I had put on the record opposing this idea. Of
2 course when the Board acted and established a policy, I, of
3 course, changed my approach.

4 Q. I think you also referred to a resolution by the Board
5 of Supervisors?

6 A. Yes, this is the resolution.

7 MR. MOMBOISSE: I will mark the letter No. 15. That
8 is one letter with copies on it.

9 THE WITNESS: I had three copies in my file. If you
10 don't need the third copy, I would like to retain that. Do you
11 need three copies?

12 MR. MOMBOISSE: All right, fine.

13 (Whereupon, the above-mentioned two-page
14 letter dated February 26, 1976, from
15 Gilbert H. Boreman was marked for identi-
16 fication as Exhibit No. 15.)

17 (Whereupon the above-mentioned document
18 entitled Resolution No. 193-75 was marked
19 for identification as Exhibit No. 16.)

20 MR. MOMBOISSE: Q. Is there any ordinance in the City
21 and County of San Francisco authorizing the payment by private
22 individuals on a piece basis for registration of voters?

23 A. I don't know of any ordinance that specifically
24 authorizes payment of deputy registrars on a piecework basis.

25 Q. Do you know whether an opinion was ever asked of the
26 City Attorney that such action was legal?

27 A. No opinion that I know of that was ever requested.
Informally, I discussed this kind of process and the impli-
cation I received was I believe, it is Section 201 that under

1 that section, in view of the fact that the courts apparently
2 in most decisions have construed it very liberally.

3 Q. Yes.

4 A. My impression is that the inclination of the courts
5 was to not be too overly technical on their construction of that
6 section and construe it liberally.

7 Q. Was there any discussion of paying deputy registrars
8 35 cents per voter registered?

9 A. Yes, there was because there was a little discussion
10 that took place on that question. The unions have been usually
11 opposed to any kind of piecework payment, and there were union
12 people in there. And one thing they opposed was the piecework.

13 Q. How was this 35 cents per registered voter brought
14 up; do you have any idea?

15 A. That is the amount that was generally kicked around,
16 the amount that we in our calculations -- or we felt we were
17 going to get \$25,000 from HUD to be used, and we also put in
18 for a supplemental appropriation. We used 35 cents.

19 Q. Then there was a discussion of how the money would
20 be raised to pay this?

21 A. Well, no. There wasn't. They kind of formed a
22 consensus among themselves and said that we will raise the money
23 if you will do the training and so forth.

24 Q. When you say "among themselves", you don't mean the
25 City and County officially?

1 A. I wasn't a part of it. The City representatives were
2 there, but the other group was pressing for this. And finally
3 when we said that there is no money, they were pressing for some
4 other kind of funding.

5 They said, "We will do it ourselves, and we will
6 finance it ourselves." They didn't have a spokesman. It just
7 came out at the meeting.

8 Q. Was there any discussion as to who would supervise
9 these deputy registrars?

10 A. No discussion really regarding supervision. The
11 general implication they gave was they had an organization ready
12 to go that would do the job, and the implication was, of course,
13 they would have supervisors.

14 Q. Then the selection of the deputy registrars was to be
15 done by the various groups?

16 A. The training of the deputy registrars, yes, after
17 they had their people taught and they were to train deputy
18 registrars and not train other people to teach other people to
19 train deputy registrars. They were to just train deputy
20 registrars but not to teach other people to train deputy
21 registrars.

22 Q. If I understand the sequence, now, it was agreed that
23 the Registrar's Office would train a given group in how to
24 train.

25 A. Right.

1 Q. This group would go out and select and train deputy
2 registrars?

3 A. Yes.

4 Q. But it would go no further than that?

5 A. Right.

6 Q. Was there a representative of the Registrar's Office
7 at this meeting?

8 A. Oh, yes.

9 The Registrar himself was there and Mr. Quinn, who
10 was at that time Chief Registrar, was also there.

11 Q. That is Mr. Quinn?

12 A. Yes, who was Chief Deputy Registrar. He is here this
13 morning.

14 MR. MOMBOISSE: How do you?

15 THE WITNESS: And of course, Mr. Elliott, who was
16 in charge as Director of Finance and Records, was there.

17 Now, that is --

18 Let's take a look at this, again.

19 MR. MOMBOISSE: Q. Do you have any other notes or
20 memoranda of that meeting?

21 A. No, I don't. I made this up just this morning.

22 Q. That is your basic recollection?

23 A. This is my recollection and also the list. I don't
24 know whether I handed you that list or not. It is just a
25 handwritten list.

1 Q. I would appreciate it very much.

2 A. I made that up after talking with people who I knew
3 were at the meeting, but this is over a year ago, you see.

4 MR. MOMBOISSE: I will mark that as No. 17, or if you
5 like, I can run a copy and return it to you.

6 THE CLERK: I can take it.

7 (Whereupon, the above-mentioned list
8 of names was marked for identification
as Exhibit No. 17.)

9 MR. MOMBOISSE: Q. Then the deputy registrar agreed
10 to designate people to train the representatives of the various
11 groups?

12 A. Either the Registrar or the deputy registrar, yes,
13 they trained a reasonable number of people for this purpose.

14 Q. They were going to work out the details of that?

15 A. The would get together and work out the details of
16 the program.

17 Q. Was the deputizing of the deputy registrars discussed?

18 A. You mean the administering of the oath?

19 Q. Yes. You said they were going to train the trainers.

20 A. Right.

21 Q. These trainers were going to train deputy registrars?

22 A. The trainers would be deputy registrars themselves.

23 I assume they would be trained, and then they would train
24 deputy registrars.

25 Q. Then give them the Oath of Office?

1 A. The oath was never discussed.

2 Q. Never discussed?

3 A. No, not at that meeting.

4 Q. Was supervision of the special deputies discussed?

5 A. Only to the extent that this general impression that
6 they gave me was they had an organization equal to do this job,
7 and I assumed they had supervision in that organization.

8 Q. Now, was there any disagreement on the part of the
9 Registrar or any other person from the Registrar's Office to
10 this scheme? Did they object to it?

11 A. No, not when we finally got down to that. There was
12 quite a discussion, and I can recall the Chief Deputy Registrar
13 Quinn and Mr. Le Guennec making -- well, a suggestion as to
14 how they would do it. And this is what finally came out of it.
15 The deputy registrar and also the Registrar felt that this was
16 something they could do.

17 Again, always having in mind, you see, that the thrust
18 of these resolutions, which were City policy, was to make it
19 as easy as possible and get as many people as possible. In
20 fact, to promote, if you will, registration of people so they
21 will be in a position to vote.

22 Q. Mr. Mellon, how was this meeting originally set up?

23 A. Very informally.

24 I was in my office, and my secretary got the call and
25 asked if I would see people, and I said, certainly, if I am not

1 busy or have a meeting going on. I always keep my office open
2 to anyone who has City business to discuss.

3 Q. It was not called by you?

4 A. No.

5 Q. As a matter of fact, it came as somewhat of surprise?

6 A. No, it was not called by me.

7 Q. It came as a surprise when you had the meeting?

8 A. I just can't recall. I don't think I was too
9 surprised because this thing had been kicking around since
10 February and the meeting was in June. I think it was earlier
11 than that. It had been kicking back and forth quite a while,
12 and I knew there were people interested in increasing the
13 registration; so I wasn't surprised, I believe.

14 Q. As a result of this meeting, did you give any
15 instruction to the Registrar's Office with regard to what they
16 were to do?

17 A. No, I did not. They were at the meeting, and they
18 knew that this conclusion was agreeable to me, and they had
19 agreed to it there.

20 So I didn't do anything further.

21 Q. So in other words, the deputy, or the Registrar himself
22 was there and he agreed to this process?

23 A. Yes.

24 Q. Then he was going to work out the mechanics of it?

25 A. The Chief Deputy Registrar -- see, the Registrar had

1 only been in office a very short time. I don't know how long,
2 possibly a couple of months, and he was just really learning
3 the procedures. He had come from the Recorder's Office and had
4 no prior experience as a Registrar.

5 Q. Was it suggested that the funds would be given to
6 the City and the City would disburse them to the deputy
7 registrar?

8 A. You mean private funds given to the City?

9 Q. Yes.

10 A. No, that was never discussed.

11 Q. Subsequent to the discussion was the private groups --
12 would handle the funds?

13 A. Yes.

14 Q. The selection of the deputy registrars?

15 A. Yes.

16 Q. The training of the deputy registrars?

17 A. The training, subject to the training by the Registrar's
18 Office.

19 Q. And the Registrar's Office was to arrange the initial
20 training program for the teachers?

21 A. Yes.

22 Q. And arrange the delegation of power to appoint the
23 deputy registrars?

24 A. This was my understanding.

25 Q. Do you have any other documents that might relate to

1 that meeting?

2 A. I don't believe so.

3 Q. Was there any subsequent correspondence relating to it?

4 SUPERVISOR FRANCOIS: While he is looking, I would
5 like to point out that we have a transportation meeting at
6 2:00 o'clock, and it is 11:20.

7 MR. MOMBOISSE: I am through with Mr. Mellon.

8 THE WITNESS: There were no documents, except what
9 I prepared this morning.

10 CHAIRMAN BARBAGELATA: I would like to ask you a few
11 questions.

12 One, under the State Election Code is it not true that
13 the Registrar is in total control of the Office of the Registrar?

14 THE WITNESS: Under the --

15 CHAIRMAN BARBAGELATA: Under the Election Code is
16 it not true that the Registrar of Voters has total control of
17 the registration proceedings?

18 THE WITNESS: Yes, I believe that is true.

19 CHAIRMAN BARBAGELATA: In view of that, why would
20 you call a meeting of all the head organizers of the union and
21 organizations in your office with respect to the registration
22 drive?

23 THE WITNESS: I think I testified I did not call
24 the meeting. They requested a meeting with me to discuss the
25 matter and, of course, I had initiated a request of members of

1 the Board regarding the supplemental appropriation, and I was
2 interested in the funds. But up until the last Charter
3 amendment, I think there was a conflict in the Charter where it
4 seems to me the wording was the Registrar was under the control
5 of the Chief Administrative Officer, and that may have been one
6 reason they came to me to see if whether or not I would approve
7 it.

8 CHAIRMAN BARBAGELATA: The intent of the Supervisors'
9 resolution, basically, was to motivate and enforce a City-wide
10 registration to increase our number of registered voters; is
11 that not correct?

12 THE WITNESS: That was our goal also. That's right.

13 CHAIRMAN BARBAGELATA: Do you know that there was a
14 law that provides that any City employee of the School District,
15 City and County Community colleges, can be required to be a
16 deputy registrar on any public property at any time during
17 their working hours.

18 THE WITNESS: I know of no law that would compel
19 City employees to become registrars on public property.

20 CHAIRMAN BARBAGELATA: There is the State Election
21 Code where it says that a City employee is compelled to --
22 required to, be a deputy registrar. And in view of that,
23 obviously, it would seem to me that someone should have known
24 that law. Why wasn't that organized process used? If you
25 didn't know it, you couldn't do it.

1 THE WITNESS: I had no idea that I could compel
2 City employees to be deputy registrars on public property. I'm
3 not sure they have the power, at least, I have not been so
4 advised by the City Attorney.

5 SUPERVISOR FRANCOIS: If that is the case, that would
6 be one matter that we may take up when we start discussing
7 reform of the process. That would be an appropriate time for
8 it.

9 CHAIRMAN BARBAGELATA: I just wanted to find out if
10 Mr. Mellon was aware, and he said he wasn't.

11 Mr. Mellon, at this meeting you mentioned various
12 labor leaders, heads of political organizations, and so forth,
13 and people who are active in political organizations.

14 Do you know if there was any member of the Republican
15 Party at this meeting, even one?

16 THE WITNESS: I am a Republican.

17 CHAIRMAN BARBAGELATA: Other than you.

18 THE WITNESS: I can't really tell you. I know that
19 Jaicks was there very active in the Democratic Party in other
20 registration drives.

21 CHAIRMAN BARBAGELATA: You don't know?

22 THE WITNESS: I don't know. I would imagine that
23 most of the people there would be connected with the Democratic
24 Party. I have never seen their registration.

25 CHAIRMAN BARBAGELATA: May I ask you this, which is
26 my last question:

1 Why wasn't this meeting made public so other organized
2 groups in the City would have an equal opportunity to the pro-
3 cess?

4 THE WITNESS: I want to say that I did not call it.
5 These people requested to meet with me and other people, repre-
6 sentatives of other political parties, could have had the same
7 opportunity.

8 CHAIRMAN BARBAGELATA: You say these people asked?
9 Who was the person who called you to initiate the meeting?

10 THE WITNESS: They called my secretary. I don't know
11 who it was who made the call. It could have been any one of the
12 group. It could have been one of our own staff. I am not certain.

13 CHAIRMAN BARBAGELATA: Could you, for the file, write
14 a letter to -- to the file to the best of your secretary's
15 recollection as to who initiated the meeting in your office?

16 THE WITNESS: No, I never asked her who it was who
17 called.

18 CHAIRMAN BARBAGELATA: When you get a chance.

19 THE WITNESS: This is a year and quarter ago. It may
20 have been Elliott, Le Guennec or Maguire, or it may have been one
21 of the other people.

22 If it was, it wouldn't make any difference to me. I
23 would say, "Come on up."

24 CHAIRMAN BARBAGELATA: Anyone else?

25 SUPERVISOR FRANCOIS: I would just like to make this

1 short statement, because it might expedite things.

2 Apparently, there is going to be a big issue made about
3 the fact that people were being paid to register voters.

4 I would like to state for the record that I have been
5 working in political campaigns in San Francisco since 1947, and
6 this is a time-honored tradition of paying private organizations,
7 paying people to go out and register voters, and didn't originate
8 in 1975.

9 So I think we are wasting this Committee's time by
10 spending a lot of effort on this subject. This is something that
11 is common in San Francisco, and I thought it was common knowledge.
12 The unions have done it. Political parties have done it. The
13 Randolph Foundation has done it, and a number of other
14 organizations.

15 I have never worked as a volunteer registrar. I worked
16 as a birddog, and I know something about this process. We used
17 to register people by going house to house with one person who
18 was called a "birddog", and we would ring the doorbell and find
19 out if the person was registered while the registrar was
20 registering someone else. So the registrar could save time in
21 finding out those who were not registered.

22 As far as political parties are concerned, every
23 deputy registrar, as part of the class and instructions, was
24 given firm instructions that they were not to refuse to register
25 anyone because of party identification. They were required to

1 register any person who desired to be registered, and I think
2 there is a State law on that, and when I used to work as a
3 birddog, we used to register a lot of Republicans even though
4 the basic effort was for Democrats. It was a painful process
5 to register a Republican by Democrats.

6 I am saying these things because I don't want to see
7 these hearings prolonged on matters that have been traditional,
8 and perhaps, they should be changed. But to suggest that this
9 was something that somebody dreamed up last year, I just want
10 to assure the Committee that it has been going on for years.

11 CHAIRMAN BARBAGELATA: Supervisor Francois, you missed
12 the testimony. What was dreamed up last year was the Registrar's
13 Office admitted that it was practically closed down to the
14 general public the outside normal registration process of first
15 going into the neighborhood and discontinued this.

16 Three basic groups took over the basic process.

17 SUPERVISOR FRANCOIS: No, I didn't miss that at all.

18 In fact, I developed testimony to the effect that
19 the system was changed, and the system didn't work. I didn't
20 miss that point, and I am in basic agreement that the system is
21 not a workable system, but I think that matter of spending a lot
22 of time belaboring the point about the private groups paying
23 people to go out and register voters -- we ought to stipulate that
24 this has been done for years, and in the course of our
25 deliberations after we have all the testimony, we can discuss

1 whether we want to make a recommendation on that question or not.

2 I suppose it would require some kind of change in the
3 Election Code to prevent it from happening. The purpose is
4 obvious. There are not many public-spirited citizens who are
5 going to go out and go up and down hills in Hunter's Point
6 without at least receiving money to cover their basic expenses.
7 But that is something we can discuss when we discuss recom-
8 mendations.

9 But to belabor the point, what I want to get behind
10 this is the fact that this has been done for years, and there
11 is no point in going into it with every witness who appears
12 before us. I believe Mr. Jaicks would concede that is the case,
13 and if Mr. Jack Crowley came down, I am sure the Registrar's
14 Office is aware of it. Mr. Mellon is aware of it, and it is
15 common knowledge that this is a San Francisco tradition, and it
16 probably occurs in other counties as well.

17 CHAIRMAN BARBAGELATA: You are excused, Mr. Mellon.
18 The Committee will be in recess until 2:00 o'clock.
19 (Whereupon, the noon recess was taken.)

20 ---o0o---

N O O N S E S S I O N .

CHAIRMAN BARBAGELATA: The Committee on Voter Fraud is back in session.

Supervisor Nelder, would you like to say something?

SUPERVISOR NELDER: I just wanted to make a comment. I wanted to say that I didn't think it was the time for any statements, because we have not heard very much evidence, but I have be honest in the light of some of the statements made by our colleague, Supervisor Francois, that he indicated that this type of conduct has been going on since time in memorial. And I have to retort by saying: If it has, there have to be some changes. Simply because one of the witnesses this morning under oath admitted that there was fraud involved, at least in the instance of one case, where he himself referred to the authorities, I have to say that this type of a hearing is absolutely essential, because I sit through many hearings, including the request for allocations of \$25,000, and I wouldn't have had any objection to that. And I said it repeatedly. And some of the people sitting here now remember that and scoffed at it.

I said that provided that it is City-wide, and I still say that.

I don't agree that the Registrar's Office should conduct the registration of voters and have a total lack of supervision over the administration of oaths and signing up of

1 potential voters. I say there is a reform needed, and I want
2 you to know that by no stretch of the imagination do I think
3 that everything is fine. By no stretch of the imagination do
4 I mean to intimate that.

5 CHAIRMAN BARBAGELATA: Thank you, Supervisor Nelder.
6 Mr. Elliott, please.

7 VIRGIL ELLIOTT,

8 first having been duly sworn to testify to the truth,
9 the whole truth and nothing but the truth, testified
10 as follows:

11 EXAMINATION BY MR. MOMBOSSIE

12 MR. MOMBOSSIE: Q. For the record, would you please
13 state your name?

14 A. Virgil Elliott.

15 Q. What position do you hold with the City and County of
16 San Francisco?

17 A. Director of Finance and Records and Department Head,
18 which includes a number of offices under my jurisdiction, one
19 of them being the Registrar of Voters.

20 Q. Were you at a meeting referred to this morning by
21 Mr. Mellon in his office sometime in June of 1975?

22 A. I was at the meeting you are speaking of, but I didn't
23 think it was that late.

24 Q. Could you give us an estimate of the date, or do you
25 have any records that would indicate the date?

1 A. Yes, I have a record. I have a copy of a supple-
2 mental appropriation request that I asked the Registrar to
3 prepare, and it is dated April 25, and it was asking for the
4 money for the City to appropriate the money for the \$25,000, and
5 my recollection is that at this meeting that we are referring
6 to the request had been of Mr. Mellon if he could find the money
7 since the group had come from some other office and ask if Mr.
8 Mellon could find the money, and he said there was no place
9 where he could get it, and the only thing to do would be
10 initiate a supplemental appropriation request, and I was re-
11 quested to do that, and I did it. And it couldn't have been
12 but a few days, a day or two after that that this was -- and this
13 is dated April 25.

14 Q. Could we have a copy of that for the record, please?

15 A. Yes.

16 Q. Thank you very much. That is the one approved by the
17 Board?

18 A. Before, and the Mayor vetoed it, and when it came back
19 to be overridden, there weren't enough votes to override it.

20 Q. Now, we have here Exhibit 16, a copy of a resolution
21 passed by the Board.

22 A. Yes, I recall that.

23 Q. Now, did that resolution precede your letter of April
24 25?

25 A. Yes, and the date on the letter at the time when this

1 became effective was March 25. It states at the bottom of it --
2 it was not signed by the Mayor, that it became effective anyway
3 without his signature as of March 24, 1975.

4 Q. There were no funds appropriated to implement that
5 resolution?

6 A. Well, we were not asking for funds for this resolution.

7 This was to come from a Federal source.

8 Q. Subsequent to that resolution you found out the Federal
9 funds were not available?

10 A. I learned about it at this meeting. And I think Mr.
11 Mellon did and the rest of us from the Registrar's Office.

12 Q. You were not advised of the failure of the Federal
13 Government to appropriate the funds prior to this time?

14 A. No, that's right, not prior to that meeting. That
15 is when I learned about it for the first time.

16 Q. Then did you learn about it prior to this letter of
17 April 25?

18 A. Yes.

19 Q. And that was in a meeting in Mr. Mellon's office?

20 A. Right.

21 Q. I will show you Exhibit 17, which is a list of names
22 of those who were present at that meeting according to Mr.
23 Mellon's recollection.

24 A. Yes, I recognize the list.

25 Q. Are those the same individuals present at the meeting

1 in your recollection that you are referring to?

2 A. Yes, although I was not there at first there are two
3 or three I don't personally know, but the others I recall as
4 being there.

5 Q. So at that meeting it was determined that you should
6 make a request for \$25,000 as part of your budget?

7 A. Yes.

8 Q. That is what your letter of April 25 was?

9 A. Yes.

10 Q. Then the copy of the formal request --

11 A. Was attached. They were attached together.

12 MR. MOMBOISSE: We will mark this as No. 18.

13 (Whereupon, the above-mentioned
14 two-page letter dated April 25,
15 1975, through Virgil L. Elliott,
16 through Thomas J. Mellon, to
Board of Supervisors from Lawrence
Le Guennec was marked for identi-
fication as Exhibit No. 18.)

17 MR. MOMBOISSE: Q. Now, at that particular meeting could
18 you tell us what was discussed?

19 A. I was called on the phone by Mr. Mellon's office and
20 asked, and told, there was a meeting in progress and Mr. Mellon
21 would like me to come.

22 I brought Mr. Le Guennec and Mr. Quinn, and we went
23 right up, and Mr. Quinn had someone in his office so he didn't
24 come up for eight or ten minutes, as I recall.

25 When I got there, they were discussing how -- they were

1 trying to get Mr. Mellon to say if he could find any money for
2 it. He was saying he had no funds that could be used for it,
3 and I gathered that after the discussion went on a little while
4 they were telling Mr. Mellon that the Federal funds would not
5 be available. Then they asked me this.

6 After that, Mr. Quinn arrived and the discussion got
7 around to the training of those that were going to collect the
8 signatures, the deputy registrars. And what was mentioned about
9 piecemeal rates by the labor people, and pay was part of the
10 discussion.

11 They were asking if we could come out with the funds
12 or other places outside City Hall could, as already outlined
13 by Mr. Mellon, and we were not in favor of that.

14 And then, as I recall, they wanted to know if they
15 couldn't themselves train deputy registrars to collect
16 signatures with some people that we would train ourselves, and
17 after some discussion on that Mr. Mellon asked Mr. Quinn whether
18 or not this could be done, and Mr. Quinn answered in the
19 affirmative that it could be done and he had some reservations
20 about it.

21 It was decided then that would be done.

22 That was about the sum and substance of it.

23 Q. Let's see if I can summarize it.

24 At this meeting it was agreed that certain organiza-
25 tions would recruit deputy registrars. They would train them,
26 and they would swear them in as deputy registrars; is that

1 correct?

2 A. I don't remember a discussion about swearing in, that
3 they would --

4 Q. Select and train?

5 A. They would select people, and some persons we had
6 already trained that they had in their groups, and they would
7 in turn train their people.

8 Q. Now, was there going to be a special training class
9 for the teachers?

10 A. I don't recall anything about that, but I think some
11 of their people were already trained as deputy registrars.

12 Once you have been trained and your record is good,
13 you continue to be a deputy registrar.

14 Q. Then someone who had already received training was
15 going to give training?

16 A. I am not sure.

17 Q. You are not sure on that?

18 A. No.

19 Q. Was it agreed that 35 cents should be paid on each
20 registration?

21 A. No, the City was not in on that.

22 Q. So at this stage there was no discussing of financing?

23 A. Yes, there was discussion of financing.

24 Part of the discussion, now that I think of it, was
25 that it was pointed out that a supplemental appropriation request

1 took three or four weeks to go through and they wanted to get
2 busy immediately.

3 As I recall, they said they would pay the people if
4 they could or else they would hold up the payment, or something.
5 They could go ahead and do it, but we couldn't give them
6 assurances about it, because we couldn't agree that the supple-
7 mental would go through.

8 Q. By "they" who do you mean?

9 A. The group that came into the office that was the non-
10 City people, the union and others.

11 Q. So that they were then going to raise the money and
12 pay the deputy registrar?

13 A. I'm not sure about that. They would be forced to do
14 so if the supplemental funding came through. I think they
15 recognize that.

16 Q. There was an attempt to get a supplemental through.
17 Was there a discussion of how the payments were to
18 be made?

19 A. This letter talks about this. It spells it out to
20 some extent.

21 Q. The payment is going to be made through your office?

22 A. Well, through the Registrar's Office.

23 Q. Do you have any objection to that procedure?

24 A. No, I helped develop this plan that has unfolded in
25 the letter.

1 It was at 35 cents per person that we would pay.
2 The concept was based on the original resolution that you have
3 discussed here, paying so much per signature.

4 Q. Was there any discussion at that meeting of super-
5 vision of these deputies that were going to be appointed by the
6 various voter drive groups?

7 A. Not that I recall.

8 Q. Now, in the letter you indicated that we are able to
9 maintain that type of control over deputies who are, in fact,
10 regularly hired City and County employees. You indicate that
11 you wished some control over the special deputies that were
12 appointed.

13 Do you have a copy of this letter?

14 A. Yes, I just found it here.

15 The apprehension that we discussed with Mr. Quinn,
16 Maguire and myself was how can we maintain control. We had the
17 same apprehension with the City Manager's Office, and that is
18 where the City-wide thing came in. We didn't feel we would be
19 able to place the people where we wanted them to be employed.

20 With the ones we pay a per diem to, we send them to
21 a certain street corner and that is where they stay, and they
22 do their sign-up work there, and we thought that we should be
23 able to tell the people where to go.

24 I think Mrs. Feinstein was agreeing to that.

25 Q. There was no time limitation placed on where the
26 special deputies would be located?

1 A. It had not reached that stage, but we were trying.
2 What happens is if we run out of the \$25,000? We pointed out
3 that 35 cents per voter, we could only register 65,274. Those
4 are all we could pay for. If we ran out two weeks before the
5 deadline, and there were people out collecting signatures, how
6 could we pay them? We stated in the letter that we would have
7 to have a cutoff. It would be understood when we reached a
8 certain point, we would have to notify people that is all they
9 could get paid for.

10 Q. Another exhibit we have, Exhibit 15, from Gilbert H.
11 Boreman, Registrar of Voters, dated February 26, 1975; he was
12 the former Registrar of Voters, and he expressed --

13 A. It went through my office, and my secretary is on it.

14 Q. He expresses concern about losing control if this
15 method of selecting deputy registrars is followed. You were
16 aware of that when you were at the meeting?

17 A. Yes.

18 Q. Did anyone express that concern at the meeting?

19 A. I just don't recall whether they did or not. Probably
20 they did. I think that probably one of us said something about it,
21 because I know it was in their minds.

22 Q. But there was no provision made for control.

23 A. Not at that meeting. The details were left to be
24 worked out.

25 Q. Then after that meeting you requested a supplemental

1 appropriation of funds for the payment of these?

2 A. Yes.

3 Q. That was rejected?

4 A. Right.

5 Q. Was there another meeting in Mr. Mellon's office with
6 relation to this question?

7 A. Not that I recall.

8 There have been other meetings regarding election
9 matters but not that which took up these two suggestions, the
10 two requests made; one for money and the other for being able
11 to train their own deputies.

12 Q. Were there any meetings relating to these special
13 deputy registrars?

14 A. No, not that I recall.

15 Q. Now, your request for an additional appropriation
16 of funds was rejected. It was approved by the Board, by the
17 majority.

18 A. The Mayor vetoed it, and it required two-third vote
19 to override it and there weren't enough for it. It was defeated.

20 Q. But then the plan to appoint the special deputy
21 registrars had already gone into operation?

22 A. I am not sure when the final date on this approval or
23 disapproval was. That would be in the Board's file here.

24 Q. Do you know whether or not --

25 A. But there was the plan that was getting worked out, and

1 I guess the Registrar's Office would know when they, I think --
2 they were talking about it here this morning and I am not sure
3 there was a fixed date or not, but that would have been about
4 the time they would begin to do that.

5 Q. Now, about how long were you at the meeting in Mr.
6 Mellon's office?

7 A. Probably thirty minutes, and it had already commenced
8 by the time I arrived.

9 Q. Did you leave at the end of it?

10 A. At the end.

11 Q. And by that time the agreement had been worked out as
12 to the training of the special deputies?

13 A. Just the general agreement on it, yes, but not as to
14 the details.

15 Q. Had the Registrar of Voters agreed to take any action
16 at that time in regard to this meeting?

17 A. After the meeting we talked it over and agreed on the
18 points that are raised in this letter and submitted a supplemental
19 request. We didn't have much in-put to the meeting except to
20 concur that we would do it. I was asked if I would agree to
21 initiate this, and I said I would.

22 Q. Who made the decision at that meeting?

23 A. Well, with regard to the loan Mr. Mellon was asked if
24 he could provide it, and he said there was no existing funding
25 that it could come out of, and it would have to be a supplemental

1 and Mr. Mellon asked me to start a supplemental.

2 Q. With regard to the Registrar's Office, were they given
3 any instructions pertaining to training of teachers, deputizing
4 advice on who could in turn be deputizing?

5 Was there a discussion on that?

6 A. It was discussed to the extent that it was pointed
7 out that we could not allow them to train persons to train
8 others, but only to train deputies to take registrations. They
9 would have to use people trained in our office, in the Registrar's
10 Office, to do their training.

11 Q. All right, that was agreed upon?

12 A. Yes.

13 Q. Were any instructions given to the Registrar's Office
14 at that meeting?

15 A. Not beyond that.

16 Q. Subsequent to that meeting was there a meeting between
17 the staff of the Registrar's Office and yours with regard to
18 these special deputy registrars?

19 A. Yes.

20 Q. When was that?

21 A. I don't know. It would have been prior to this date.

22 Q. What occurred at that meeting?

23 A. That was when we talked about these points that are
24 covered in this letter.

25 Q. Was there any discussion as to the training or super-
26 vision, or selection of the special deputies raised at that time?

1 A. I don't think so. I think we were just talking about
2 the fund request.

3 Q. Were there any subsequent meetings between you and
4 members of the Registrar's Office with regard to deputy
5 registrars?

6 A. Not that I recall.

7 Q. Was there any action taken after your request for a
8 special appropriation was rejected, any discussion between you
9 and the City officials or individuals in that meeting?

10 A. Not that I recall.

11 MR. MOMBOISSE: I think I have no further questions.

12 CHAIRMAN BARBAGELATA: Just a couple of questions.

13 Who had asked you to make the request for the
14 supplemental?

15 THE WITNESS: I believe that Mr. Mellon asked me if
16 I could do it.

17 CHAIRMAN BARBAGELATA: Who asked Mr. Mellon?

18 THE WITNESS: Our visitors.

19 CHAIRMAN BARBAGELATA: As a committee did they come
20 in?

21 THE WITNESS: I don't remember which ones. I think
22 several of them. They came into the room. They were obviously
23 looking for \$25,000 because they just learned, they told us,
24 that they couldn't get the other money.

25 CHAIRMAN BARBAGELATA: To your knowledge were any

1 elected officials at that meeting?

2 Do you have any knowledge of any elected officials at
3 that meeting?

4 THE WITNESS: No, I don't. I don't know how the
5 elected officials learned about the request from -- about the
6 Federal money being turned down.

7 When my letter came through, I am sure before then
8 the information had been out. I am sure it was in the papers.
9 I don't know.

10 CHAIRMAN BARBAGELATA: Do you know who initiated the
11 meeting?

12 THE WITNESS: My understanding at that time, and it
13 still is, that someone called Mr. Mellon's office and said, "Can
14 we come right over?" I had the impression that it was probably
15 someone in the Mayor's Office who was handling these funds and
16 had learned of it and had told them, and they came to see this
17 person. And then the person, obviously, as is my impression,
18 there was no other place they could get it -- how about going to
19 see the CAO and they went to see the CAO.

20 CHAIRMAN BARBAGELATA: Do you have any questions,
21 Supervisor Nelder?

22 SUPERVISOR NELDER: You were the Registrar of Voters
23 at one time?

24 THE WITNESS: I have acted several times in that
25 capacity when there was a vacancy.

1 SUPERVISOR NELDER: With your experience, you have
2 heard the testimony this morning that there were over 100 books
3 missing, and you heard the answers elicited by Supervisor
4 Barbagelata as to less than 100, and perhaps more than 75
5 deputy registrars who had been sworn and had Oaths on file and the
6 rest were unsworn.

7 THE WITNESS: I heard that.

8 SUPERVISOR NELDER: In all the history of your tenure,
9 can you equate this? Have you any experience, or has this
10 happened in the past?

11 THE WITNESS: I am not familiar with that type of
12 statistical -- or those kinds of figures on how many were on
13 file.

14 SUPERVISOR NELDER: Does it strike you as unusual that
15 those are the figures?

16 THE WITNESS: I had the impression that was not a
17 correct figure that there were a hundred or a thousand deputies
18 signed up and that not all of those --

19 Do you have any different information? I saw Mr.
20 Remstrom bring some figures on how many were on file.

21 SUPERVISOR NELDER: I can only go on what I believe
22 he said. I believe that there were more than 75 and less than
23 100, and something around 800 were sworn.

24 THE WITNESS: That would be a surprise to me if it
25 was the case.

1 SUPERVISOR NELDER: The fact that there are 100 or
2 more books missing, do you have any comment in relation to that?

3 THE WITNESS: Yes, that is just part of a bad
4 situation that resulted from this type of handling, but it only
5 existed with this one organization, the bad part of it, the bad
6 results. And I understand -- I read in the papers the man who
7 was coordinating it, Mr. Brown, has been removed from his job.
8 I don't know where he is now.

9 SUPERVISOR NELDER: Why do you suppose, being a long
10 time administrator associating with other top administrators
11 such as Mr. Mellon, why do you suppose there was no discussion
12 at all about the supervision of the field operations by somebody
13 in authority?

14 THE WITNESS: As to why there was not any discussion --

15 SUPERVISOR NELDER: Or was there any? I understood
16 you to say there wasn't.

17 THE WITNESS: I would think that type of detail would
18 be handled following a meeting like this by those who are most
19 closely concerned with working that part out.

20 SUPERVISOR NELDER: Well, are you surprised, to say
21 the least, that there wasn't any supervision whatsoever?

22 THE WITNESS: Well, yes, when I began to learn about
23 it. But as to the difficulties encountered in whatever super-
24 vision could be obtained in that kind of arrangement, it is
25 difficult unless you have the whole-hearted participation of the

1 participants to really supervise.

2 SUPERVISOR NELDER: What about the legality of
3 swearing in deputies, those who have been authorized to do so?
4 Have you checked into the legality of that as to whether or not
5 that oath can be administered by people who have been recipients
6 of the oath themselves?

7 THE WITNESS: I don't know. I don't know the legality
8 of it.

9 SUPERVISOR NELDER: I will check with the City Attorney
10 on that, Mr. Chairman.

11 THE WITNESS: May I say one thing about what Supervisor
12 Nelder said about paying on a per signature basis.

13 Most of the counties in the State do it and pay for
14 it out of county funds, and apparently, have a satisfactory
15 operation.

16 The one difficulty here, the thing that was here, was
17 not because of how they were paid, whether they were paid on
18 a per diem or per signature basis, but because the control got
19 out of hands of the Registrar.

20 SUPERVISOR NELDER: I think that is a matter of
21 opinion. I think that authorizing auxillary police officers is
22 a very honorable occupation, but I think the Chief of Police
23 would be remiss if he didn't have a sergeant or lieutenant
24 checking them periodically to see the job was done and done
25 properly. This is analogous to transferring this important duty

1 to citizens outside the realm of sworn obligation. I have a hard
2 job reconciling that.

3 THE WITNESS: They were not on our payroll. We
4 couldn't tell them where they had to go. They weren't where
5 they were placed.

6 SUPERVISOR NELDER: I don't mean necessarily as to
7 where they went. I mean the entire situation may have been all
8 right, and maybe it wasn't. But I say there certainly should
9 have been supervision.

10 THE WITNESS: We have no control now over the 600 or
11 700 volunteer deputies that operate in every election, even though
12 they don't receive any money from the City, they are obviously
13 being paid by outside groups, but we have no control over where
14 they go or what kind of a job they do.

15 The only thing we have is when they come back in and
16 bring their book and we see how it looks.

17 SUPERVISOR NELDER: Suppose you find there is an
18 inconsistency, or as was testified to by Mr. Remstrom, there was
19 an obvious fraud, what do you do?

20 THE WITNESS: We turn it over to the District Attorney
21 and we have our files show year, after year, after year in every
22 election that we have names of deputy registrars who have not
23 brought their books back, or if they are faulty. And we can't
24 collect it; we don't allow them do the work anymore. We take
25 them off the list.

1 SUPERVISOR NELDER: What is the law on the books, do
2 you know?

3 THE WITNESS: They are supposed to be returned in five
4 days after the close of registration. If not, the law says
5 you turn the names of those deputies who have not turned them
6 in over to the District Attorney, and he is to locate them,
7 prosecute or whatever he feels is called for. And it is out of
8 the Registrar's hands at that point.

9 SUPERVISOR NELDER: I think there was some discussion
10 among us as to the authority to locate and take the proper
11 action on those books, and I think Mr. Elliott is perfectly
12 right in what he says that it is tantamount to embezzlement.
13 This is property that has been entrusted to you, and if it is
14 not returned, I think this would give the authorities the right
15 to pursue those books and I think we have the authority to do
16 that, and I think we should do it.

17 THE WITNESS: Ownership of the books would reside
18 with the City and County, and we have the right to recover them
19 and there is a specific provision in the Code. If they are not
20 returned within days, criminal charges can be brought against
21 the person who has them.

22 CHAIRMAN BARBAGELATA: Were there any criminal charges
23 brought against anybody who didn't return the books?

24 THE WITNESS: Usually not, but occasionally there
25 have been.

1 CHAIRMAN BARBAGELATA: In this particular 1975 drive
2 there wasn't though?

3 THE WITNESS: I don't know whether any charges came
4 out of that. Perhaps, Mr. Quinn might know.

5 CHAIRMAN BARBAGELATA: I am going back in my memory.
6 It seems to me that you and Mr. Quinn publicly, about the the
7 time this thing was happening with respect to the action by
8 the Board of the 35 cents vote opposition, that, am I not
9 correct you spoke out against it?

10 THE WITNESS: I didn't speak out against it.
11 However, Mr. Boreman, who was the Registrar at that
12 time, he did speak out against it.

13 CHAIRMAN BARBAGELATA: One last question.
14 The final net decision is to the Resgistrar and not
15 to you or Mr. Mellon with respect to the operation?

16 THE WITNESS: To election matters, yes.

17 CHAIRMAN BARBAGELATA: Was there undue pressure brought
18 upon the Registrar's Office to adopt a temporary extraordinary
19 procedure in 1975, this form of registering voters?

20 THE WITNESS: It didn't seem undue pressure, because
21 I recall Mr. Mellon asked Mr. Quinn could we do it that way,
22 and he said we can do it that way if we meet these qualifications
23 that he listed. He didn't order him to do it.

24 CHAIRMAN BARBAGELATA: Do you know why the Section 201
25 of the Election Code is the section that you are using for the

1 basis for this particular drive?

2 You are using it, is that not correct?

3 THE WITNESS: Well, I haven't refreshed my memory on
4 that, but I heard some dicussion on that this morning.

5 CHAIRMAN BARBAGELATA: Assuming that it is 201, and
6 you are not saying that it is, why didn't the City use the
7 provision that allows the local elected body to give the power
8 to the Registrar to empower the City employees over the City
9 in various departments to act as regisrars so we could maintain
10 control?

11 THE WITNESS: I don't know. We have never had any
12 discussion on that, but I do foresee objections that may be
13 raised by other departments for doing the work of the Registrar's
14 Office without some recompense.

15 I know for the fire houses, which do the regular work
16 on a year-round basis, they get paid on the basis of so much
17 per signature, and the money goes into their welfare fund.

18 CHAIRMAN BARBAGELATA: That is a paid thing, but the
19 law provides it may be done during regular hours with the
20 exception of firemen, any of the City or County employees may
21 upon request, be required to act as a deputy registrar, which
22 would have filled the need of getting a greater scope of activity
23 in the Registrar's drive.

24 THE WITNESS: This would mean, I presume, that during
25 their regular work, wherever they work, that people could go into

1 their building and office and register, and it is not a bad
2 idea if the other departments would agree to it. That would be
3 the difficulty encountered, I am sure.

4 CHAIRMAN BARBAGELATA: Well, the law says the elected
5 body may authorize and assign, which means they don't have to
6 agree. It means they have to do it.

7 THE WITNESS: If the Board of Supervisors would adopt
8 a resolution to that effect.

9 CHAIRMAN BARBAGELATA: You didn't know about that?

10 THE WITNESS: No, I didn't. I also know we talked
11 about another ordinance concerning the School Department, other
12 departments allowing the free use of their buildings as polling
13 places. They charge us on the basis of a janitorial salary for
14 one day, and at one time I had an ordinance before the Board
15 which would order all departments and we bumped into all kinds
16 of objections.

17 CHAIRMAN BARBAGELATA: In the furtherance of the
18 proposed purposes of this Section 201, that the governing Board
19 of any county may authorize and assign any of its officers or
20 employees to become deputy registrars to register qualified
21 citizens on any premises on facilities owned and controlled by
22 such public agencies during regular working hours of such
23 officers or employees. That seems to me to be pretty clear. It
24 could have been handled that way.

25 I have no further questions.

1 SUPERVISOR NELDER: One more question to Mr. Momboisse's
2 question.

3 In relation to that list of persons attending that
4 meeting, you said that some of them you didn't recall. Is there
5 anybody that is not on the list that you do recall?

6 THE WITNESS: The ones I know who are on the list were,
7 maybe with one exception, I can read the names of those I recall
8 as being there: Mr. Le Guennec, Mr. Quinn, Mr. Jaicks, Mr.
9 Sullivan, Mr. Crowley, Mr. Ryan, and I think Mr. Bramcovich.

10 CHAIRMAN BARBAGELATA: Who is Mr. Ryan?

11 THE WITNESS: Terry Ryan.

12 CHAIRMAN BARBAGELATA: What is his connection?

13 THE WITNESS: I don't recall.

14 SUPERVISOR NELDER: Well, I think he was here. I think
15 he testified --I think you probably have his identification in
16 the file. He was here at the time.

17 THE WITNESS: I am sure Mr. Quinn could identify him.
18 He has been in and out of the Registrar's Office.

19 CHAIRMAN BARBAGELATA: Is there anybody on the list
20 you don't recall?

21 THE WITNESS: No, there is not.

22 MR. MOMBOISSE: At the time of the meeting Mr.
23 Le Guennec was the Registrar?

24 THE WITNESS: Yes.

25 MR. MOMBOISSE: Q. Do you know when he went out of

1 A. Well --

2 Q. According to the letter I had, Mr. Gordon was the
3 Registrar in February.

4 A. Mr. Who?

5 Q. Mr. Boreman, I am sorry, was the Registrar of Voters.
6 This is signed February 26, 1975, and this is at the time he
7 was on this type of a program.

8 A. I just don't recall the date.

9 Q. We know it was after Mr. Le Guennec became the
10 Registrar of Voters that this meeting took place.

11 A. I thought so, but I am not sure. I could be wrong.
12 But I had in mind that Mr. Le Guennec was there. I could be
13 wrong.

14 Q. Is there anything at all you can think of that might
15 pin it down?

16 A. I can find out when he took over and when Mr. Boreman
17 came up to the Board.

18 Q. I will save you the trouble. We will find out. Thank
19 you very much.

20 FRANK R. QUINN,

21 first having been duly sworn to testify to the truth,
22 the whole truth and nothing but the truth, testified
23 as follows:

24 EXAMINATION BY MR. MOMBOISSE

25 MR. MOMBOISSE: Q. Would you please state your
name.

1 A. Frank R. Quinn. I am retired Chief Deputy Registrar
2 of Voters.

3 Q. In 1975, Mr. Quinn, did you hold the position of
4 Deputy Registrar of Voters in San Francisco, City and County?

5 A. Yes, I did.

6 Q. For the entire period of time?

7 A. For the entire period, except for the latter part of
8 1975 when Mr. Le Guennec left and then I assumed the role as
9 Acting Registrar of Voters for 30 days.

10 Q. Could you tell me when Mr. Le Guennec became the
11 Registrar of Voters?

12 A. That is something difficult without my going back to
13 the records in the office, but I can give the Board an approxi-
14 mate idea.

15 He came to the Board as Assistant City Clerk and upon
16 the retirement of Mr. Dolan as the Clerk of the Board of
17 Supervisors, this was done because Mr. Dolan had six months of
18 sick leave and accumulated overtime that had to be exhausted
19 before Mr. Boreman could become Clerk of the Board of Supervisors.

20 Q. You do not know specifically?

21 A. Not specifically, no.

22 Q. We have had testimony with regard to this meeting in
23 Mr. Mellon's office.

24 Were you present at that meeting?

25 A. Yes, I was.

1 Q. How does it happen you were there?

2 A. I was called to the meeting, and I came a bit late
3 because I had been speaking to someone else prior to that.
4 And perhaps, the meeting was 10 minutes gone by the time I
5 arrived.

6 Q. Who asked you to come up to it?

7 A. As I recall, I was given a telephone call by the Office
8 of the Chief Administrative Officer to come up as quickly as I
9 could.

10 Q. Did you go up with Mr. Le Guennec?

11 A. No, they were there when I came.

12 Q. Mr. Le Guennec was there already?

13 A. He probably was there.

14 Q. All right.

15 Do you recall the approximate date of that meeting?

16 A. Yes, the approximate date is in May of 1975.

17 Q. May, the early part of May, middle May, late?

18 A. That, I don't know, but it was in May. I am quite
19 positive.

20 Q. I show you a list that was marked No. 17, and it was
21 referred to earlier today as those Mr. Mellon remembered were
22 present.

23 A. All these people were there. There must have been
24 some others who I can't identify.

25 Terry Ryan was prominent in Local 400 of the City and

County Employees' Union.

Q. All right.

Now, what was discussed when you were at the meeting?

A. When I came in, immediately the discussion centered upon the payment of a few of 35 cents for the procurement of each Affidavit of Registration of a voter.

Q. Who was the payment to be made by?

A. The payment was to be made by the City and County. And it had been thought from Federal funds, but at that time we found out that the Federal Government had refused to spend money on that purpose.

So these people who were there at that time were seeking some County funds in the amount of \$25,000 that they might use for the 35 cents per signature for affidavits.

Q. Now, with regard to the financing of this, what was agreed at the meeting?

A. It was agreed at the meeting that there would be no 35 cents.

At that time I vehemently opposed the payment of any fee for the registration of a person to vote, and I thought it was immoral and it would lead probably to fraud, and there was quite a bit of active discussion.

However, these people were civic-minded and they wanted to put on a voter registration drive as soon as possible, and this led into the possibility of training and immense amount

1 of volunteers within a small amount of time. Our staff was too
2 small for that; so we resolved to train a number of people to
3 train others.

4 Q. Who resolved that?

5 A. That probably was my idea. I will take the blame or
6 credit for that, and it was consented to by Mr. Le Guennec and
7 all present, and the teachers would be taught who would in turn
8 teach others. They wouldn't train other teachers at that level.
9 There would be no one but the central training of teachers so
10 that they lose the actual points.

11 Q. Who was to select those who would become deputy
12 registrars?

13 A. They would be from various groups, COPE, the League
14 of Women Voters, any legitimate organization.

15 Q. The selection was by citizen groups?

16 A. Yes.

17 Q. The training was to be by the citizen groups?

18 A. True, yes.

19 Q. What about the supervision?

20 A. This is a most difficult thing in the world to
21 supervise these people.

22 Section 201 of the Election Code, which has been much
23 discussed here, is so bound in its own copy that it takes from
24 the Registrar of Voters, or in other counties, the County Clerk,
25 all the authority. You cannot order anyone to prohibit them from

1 doing that. He must give a book of affidavits to any concerned
2 citizen who comes along. He is stripped of any authority and
3 supervision.

4 Q. I think my question was: What discussion was there
5 of supervision?

6 A. As I recall, there wasn't too much discussion of
7 supervision in that meeting at that time. It probably came
8 subsequent to that when Mr. Renstrom was training.

9 It was also agreed that they would select and train
10 the deputies.

11 Q. Do you think they have the power to deputize?

12 A. Yes.

13 Q. Was this reduced to writing?

14 A. No, it was an oral agreement.

15 Q. With instructions then given by you and Mr. Le Guennec
16 to your staff with regard to this agreement?

17 A. I remember speaking to Mr. Maguire on it.

18 As he told you this morning, and I delegated authority
19 to Mr. Maguire, who was authorized in that field.

20 Anyway, as he is a very able and capable person,
21 he took over for me from that point forward.

22 Q. Was he instructed to train the new teachers?

23 A. Probably he instructed Remstrom.

24 Again, I go into "probably" here.

25 Q. The question is: Was he instructed or ordered to

1 train this nucleus of teachers?

2 A. We are going back so far in time to figure precisely;
3 I don't want to answer that in a specific manner. I cannot.

4 Q. My understanding is now that the agreement was you
5 were going to train teachers who would then go out and train
6 the deputy registrars; is that correct?

7 A. Yes, that's true.

8 Q. Mr. Maguire would be the individual in the Registrar's
9 Office who had that responsibility?

10 A. He had the authority which he could delegate to Mr.
11 Remstrom.

12 Q. Who at that meeting would have given such orders to
13 Mr. Maguire?

14 A. It would have been, of course, the Registrar of
15 Voters at that time, Mr. Le Guennec.

16 Q. You did not give such instructions?

17 A. I did, I think, speak to Mr. Maguire on it.

18 Mr. Le Guennec was so new at the time; he knew little
19 about the office and I was carrying the ball at that time.

20 Q. So Mr. Le Guennec was instructed to conduct classes
21 for teachers who became deputy registrars?

22 A. I spoke to him and told him about the entire meeting,
23 and this is the instruction or authority. That is it. This is
24 the conclusion we had come to.

25 Q. Do you know if such classes were conducted?

1 A. No, I don't. I leave that to Mr. Maguire and I
2 pursued my own duties.

3 Q. You had a great deal to take care of?

4 A. A great deal to do.

5 Q. Going back to the meeting, was there any further
6 discussion about the payment of the 35 cents by the private
7 groups that were there?

8 A. No, they didn't mention it, to my recollection. There
9 was no mention made of that at that time.

10 Q. Was there going to be an attempt to obtain a budget
11 appropriation of \$25,000?

12 A. Yes, that was discussed.

13 Q. Now, subsequent to that meeting were there any dis-
14 cussions between you and Mr. Le Guennec as to how the agreement
15 would be implemented?

16 A. Yes, Mr. Le Guennec and Mr. Maguire went to Alameda
17 County and studied their system. And at a later date, three or
18 four days later, they went to Santa Clara County and studied
19 the manner in which they paid the deputies, and then we saw
20 the enormity of it; the fact that we had such a small staff,
21 the fact that we would have to set up an accounting procedure,
22 and we had no staff for it, we realized we couldn't put it
23 into operation.

24 Q. The original agreement was the payment of the special
25 registrars would be by the Registrar's Office?

1 A. Not the agreement, that was the conversation. I had
2 always opposed it, and I had, as Mr. Nelder just said, I stood
3 up before the Board of Supervisors and made a public opposition.

4 Q. Then the appropriation request was rejected?

5 A. Yes.

6 Q. Not rejected, it was the Mayor vetoed it.

7 A. And failed to override.

8 Q. Was there any discussion after that?

9 A. Not to my knowledge, that became a dead issue.

10 Q. Were these registration drives underway prior to the
11 obtaining of the appropriation?

12 A. I am not sure. I can't answer that question.

13 Q. At the meeting you indicated there was urgency to get
14 started.

15 A. These were very civic-minded people who were engaged
16 in raising the number of voters in the City and County.

17 Q. Were there instructions with regard to supplying these
18 groups with voter registration books?

19 A. No, we had been doing this for many years. There was
20 no need for instructions. We knew what to do.

21 Q. What about the continuation of training within the
22 Registrar's Office of the deputy registrars?

23 A. According to my knowledge, and I contradict Mr.
24 Remstrom in this -- according to my knowledge, we didn't cut off
25 any person who wanted to come in and be a registrar. We taught

1 them. That is my best knowledge, and I have taken an oath as
2 to that.

3 Q. Did you have anything to do with checking the
4 affidavits that were returned by the registration drive?

5 A. That was entirely within Mr. Maguire's division,
6 although I did go out and observe them and look at them, so as
7 I said, he was very able. So I didn't check them.

8 Q. What were the rules of your obtaining them?

9 A. If they were poorly turned in and had many mistakes
10 and many things had to be corrected --

11 Q. Was any action taken by you, as Deputy Registrar, to
12 see remedial action was taken?

13 A. I left that in the hands of Mr. Maguire, who was
14 already taking action.

15 Q. And he advised he had taken action?

16 A. The office is so small we know.

17 Before we go on, there was something that was said
18 earlier this morning that I would like to amplify, if I can.

19 Something was made of the fact that we permitted
20 people to vote who had only voting stubs, and it is true that
21 we permitted these people to vote. And under the same cir-
22 cumstances I would, again, order them to vote.

23 If a person registers with a volunteer deputy in good
24 faith and finds out that the volunteer deputy didn't return
25 the affidavit, it is up to us to adopt a liberal stance and

1 permit the person to vote, who in good faith registered to vote
2 that day, and I think any court of law would sustain me in that.

3 Q. I think the question was put to the City Attorney's
4 Office.

5 A. Not to my knowledge. It may be -- was without my
6 knowledge.

7 Q. Was there any discussion within the Registrar's Office
8 as to the legality of such practice?

9 A. No, I don't recall any discussion whatsoever. We came
10 to this conclusion by reading the Code, which endlessly repeats
11 that the Code is to be liberally construed in favor of the
12 voter.

13 Q. Who made the decision on the yellow slip?

14 A. This was done by Mr. McHaley, the previous Registrar
15 of Voters, two years before.

16 Q. The practice goes back a long way?

17 A. To about 1972.

18 Q. 1972?

19 A. Yes.

20 Q. And it had been followed since that time?

21 A. Since that time, yes.

22 Q. Now, were there any other meetings between you and
23 members of the Registrar's staff with relation to the special
24 deputy registrars that were working for the volunteer groups?

25 A. There were no other meetings except I would meet Mr.

1 Mason frequently, and I must say this of Mr. Mason: He is a
2 good, honest man, and I would trust him at any time.

3 Q. I understand that he kept very thorough records.

4 A. Very superior records, and I could phone him at any
5 time and get information I wished from him.

6 Q. When errors were pointed out, was remedial action
7 taken by him?

8 A. He was quick to remember.

9 Q. Was Brown the other one?

10 A. With COPE and the labor group.

11 Q. What about his performance?

12 A. I would have to indulge in hearsay after speaking
13 with Mr. Renstrom. It was not good. He did not cooperate well.

14 Q. What about the return of the books? Were they all
15 returned on time?

16 A. No, they were not. There was still outstanding 100
17 books at the end of the five days following the 30 days before
18 the election.

19 Q. Was action taken to recover the books?

20 A. We had Mr. Renstrom go over the records to determine
21 the accuracy of the records. Then we called him about it.

22 Q. He was advised of the missing books?

23 A. At that time we had him go over it, because there were
24 numerous errors, and some of the books were missing. So we
25 did it thoroughly at the time, and subsequent to the election,

1 too.

2 Q. There was only one meeting in Mr. Mellon's office
3 in relation to the special deputies that you were aware of?

4 A. Yes, that is the only one I described.

5 MR. MOMBOISSE: Nothing further.

6 CHAIRMAN BARBAGELATA: I don't have too much, Mr.
7 Quinn.

8 You are familiar with Section 201.

9 THE WITNESS: I certainly am.

10 CHAIRMAN BARBAGELATA: Why don't we operate that way?

11 THE WITNESS: That's not really a good section, and
12 that wouldn't cover the City. Your best places to have deputy
13 registrars would be the schools. The San Francisco District is
14 a political entity completely separate from the City and County.
15 We have librarians in libraries throughout this City registering
16 people, and this was coverage of the people. The other offices,
17 what would be the good of having the Tax Collector or Social
18 Services?

19 CHAIRMAN BARBAGELATA: The law is clear.

20 THE WITNESS: In fact, we did go through the libraries.
21 That was good coverage.

22 To say you could have a resolution ordering the San
23 Francisco Colleges or Community Colleges, and they could turn
24 you down cold.

25 CHAIRMAN BARBAGELATA: The Redevelopment Agency,

1 Federal or State officers --

2 THE WITNESS: These are Federal offices.

3 CHAIRMAN BARBAGELATA: The point I am making is you
4 are talking about public-spirited citizens trying to increase
5 the number of voters in the City.

6 If the Registrars didn't take the means provided under
7 the Election Code in the normal process to advise the school to en-
8 courage more registration of voters, it could be easily done
9 and it would have been supported by the Board of Supervisors
10 and the Community Colleges and the San Francisco School District,
11 and we wouldn't have had that happen. And we can sit here and
12 debate, but there are very few public agencies that would not
13 cooperate if they were asked to do so by the government boards.

14 When you go back and look at the people in attendance
15 at the meeting, do you recall any other names other than those
16 on the list?

17 THE WITNESS: There were other people, but I cannot
18 identify them.

19 CHAIRMAN BARBAGELATA: Do you know who employed Mike
20 Mason?

21 THE WITNESS: I am not aware of that at all. I am not
22 aware.

23 CHAIRMAN BARBAGELATA: Do you know where he worked
24 earlier in the area?

25 THE WITNESS: He has always been active in politics,

1 particularly with the Democratic Committee, and I have known
2 him for a good many years, and I have always found him to be
3 a dependable person.

4 CHAIRMAN BARBAGELATA: Do you know if he was an
5 employee of Bradley Laser (phonetic)?

6 THE WITNESS: No, I don't.

7 You mean, Don Grady, the publicity man?

8 CHAIRMAN BARBAGELATA: Yes.

9 THE WITNESS: No, I don't know whether he was employed
10 by him or not.

11 CHAIRMAN BARBAGELATA: Do you know, looking back,
12 if you had to do it again, would you recommend the same pro-
13 cedure?

14 THE WITNESS: No, once bitten, twice shy. I would
15 never again do that.

16 CHAIRMAN BARBAGELATA: Do you have any questions,
17 Mr. Nelder?

18 SUPERVISOR NELDER: This meeting that took place in
19 Mr. Mellon's office, the day that you attended the meeting, is
20 that the first day you had notice of the meeting?

21 THE WITNESS: This was not a scheduled meeting. It
22 was an impromptu meeting where people went into the office, and
23 we were called up because of the nature of the meeting of the
24 Registrar of Voters.

25 SUPERVISOR NELDER: Is this something that happens

1 frequently?

2 THE WITNESS: No, it was the first time that happened
3 to me, and I have spent twelve years in the Registrar of Voters'
4 Office. Not twelve continuous years, but twelve years.

5 SUPERVISOR NELDER: Mr. Quinn, I have requested of
6 others, and I will of you, what would be your comment about the
7 two-prong question I asked: What about the missing 100 books
8 and the more than 75 or less than 100 Oaths of Office of Deputy
9 Registrars?

10 THE WITNESS: To the first part of your question, to
11 me that is a disgrace. It should never have occurred. Under
12 201 there is so little control. I can only appeal to the District
13 Attorney on the fifth day 30 days before election.

14 This doesn't leave us much time.

15 To the second question I have no answer to that. It
16 is a difficult question to answer.

17 SUPERVISOR NELDER: Did you make the meeting public?

18 THE WITNESS: No, I didn't.

19 CHAIRMAN BARBAGELATA: I am not blaming you. It is
20 a matter of your being busy, that one political group with the
21 exception of the League of Women Voters, basically controlled
22 the registration drive last year.

23 THE WITNESS: During the time that the discussion was
24 for the 35 cents per signature, I appeared before your Board
25 of chambers, and I said that I felt that every part of the City

1 should be covered, whether they were rich or poor, whether
2 intelligent or lower intelligence. Every part of the City,
3 and every part of the County should be covered, and that has
4 always been my stand.

5 CHAIRMAN BARBAGELATA: That wasn't the question I
6 asked you.

7 There was one particular group permeating it, the
8 labor and the San Francisco Democratic Party, who formally
9 elected members of the party or elected of the Labor Council,
10 and that practically was the entire composition other than the
11 City employees at the meeting.

12 Was it fair they controlled all the registration and
13 affidavit books that were publicly distributed last year?

14 THE WITNESS: To answer your question, I would have
15 to answer negatively that they did not control them. We would
16 have given it to anybody who came in, but these were the people
17 who came in. If they controlled it, it was by virtue of their
18 coming. I don't agree with Mr. Remstrom that when he said that
19 the books were not given out anyone after that date, and anyone
20 who wanted one was referred to either or both Frontlash and the
21 League of Women Voters.

22 I can't say whether I agree or disagree with the
23 question. I would have to investigate it.

24 CHAIRMAN BARBAGELATA: You don't remember that?

25 THE WITNESS: No, I don't.

1 MR. MOMBOISSE: Certain of the records we have
2 will indicate the distribution of the books. They have
3 not been introduced yet because they are too voluminous, but
4 they will come in.

5 CHAIRMAN BARBAGELATA: Thank you, Mr. Quinn.

6 The Committee will stand in recess until 10:00 o'clock,
7 Tuesday.

8 (Whereupon, the Committee Meeting adjourned, to be
9 continued at 10:00 o'clock a.m., Tuesday, June
10 29, 1976.)

11 ---o0o---

